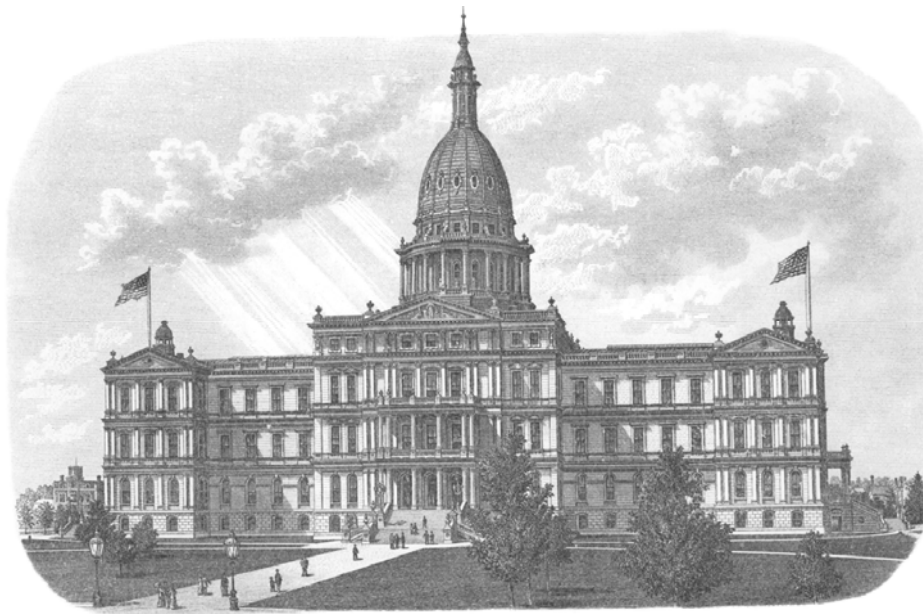


Michigan Register

Issue No. 10 – 2013 (Published June 15, 2013)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



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(This issue, published June 15, 2013, contains
documents filed from May 15, 2013 to June 1, 2013)

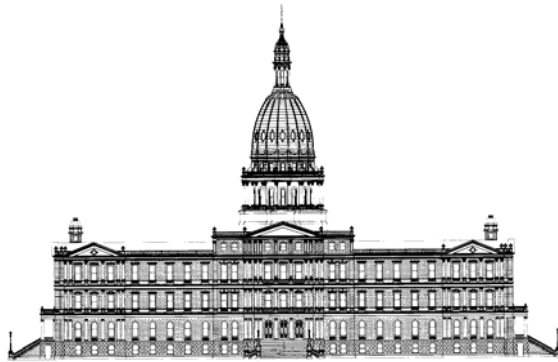
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Office of Regulatory Reinvention

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Steve Arwood, Director, Office of Regulatory Reinvention; **Deidre O’Berry**, Administrative Rules Specialist for Operations and Publications.

Rick Snyder, Governor



Brian Calley, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
- (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
- (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
- (d) Proposed administrative rules.
- (e) Notices of public hearings on proposed administrative rules.
- (f) Administrative rules filed with the secretary of state.
- (g) Emergency rules filed with the secretary of state.
- (h) Notice of proposed and adopted agency guidelines.
- (i) Other official information considered necessary or appropriate by the office of regulatory reform.
- (j) Attorney general opinions.
- (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.

(3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.

(4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

- (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.
- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reinvention for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reinvention is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reinvention, Romney Building – Fourth Floor, 111 S. Capitol Avenue, Lansing, MI 48933

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Romney Building – Fourth Floor, 111 S. Capitol Avenue, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reinvention: www.michigan.gov/orr.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reinvention Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Steve Arwood, Director
Office of Regulatory Reinvention

2013 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2013	February 1, 2013
2	February 1, 2013	February 15, 2013
3	February 15, 2013	March 1, 2013
4	March 1, 2013	March 15, 2013
5	March 15, 2013	April 1, 2013
6	April 1, 2013	April 15, 2013
7	April 15, 2013	May 1, 2013
8	May 1, 2013	May 15, 2013
9	May 15, 2013	June 1, 2013
10	June 1, 2013	June 15, 2013
11	June 15, 2013	July 1, 2013
12	July 1, 2013	July 15, 2013
13	July 15, 2013	August 1, 2013
14	August 1, 2013	August 15, 2013
15	August 15, 2013	September 1, 2013
16	September 1, 2013	September 15, 2013
17	September 15, 2013	October 1, 2013
18	October 1, 2013	October 15, 2013
19	October 15, 2013	November 1, 2013
20	November 1, 2013	November 15, 2013
21	November 15, 2013	December 1, 2013
22	December 1, 2013	December 15, 2013
23	December 15, 2013	January 1, 2014
24	January 1, 2014	January 15, 2014

CONTENTS

ADMINISTRATIVE RULES FILED WITH SECRETARY OF STATE

Department of Licensing and Regulatory Affairs

Director's Office (2011-040)

Part 8.Electrical Code2-11

Department of Licensing and Regulatory Affairs

Director's Office (2011-041)

State Boundary Commission..... 12-21

Department of Licensing and Regulatory Affairs

Director's Office (2012-010)

Part 9A Mechanical Code22-29

Department of Treasury

Bureau of State Lottery (2012-081)

Lottery30-31

Department of Licensing and Regulatory Affairs

Director's Office (2012-124)

Part 62. Plastic Molding GI32-33

Department of Licensing and Regulatory Affairs

Director's Office (2012-125)

Part 72. Automotive Service Operations GI34-36

Department of Licensing and Regulatory Affairs

Director's Office (2012-127)

Part 45. Die Casting GI.....37-37

Department of Licensing and Regulatory Affairs

Director's Office (2012-128)

Part 309. Cadmium OH.....38-52

Department of Licensing and Regulatory Affairs

Director's Office (2012-131)

Part 11. Polishing, Buffing & Abrading GI53-53

Department of Licensing and Regulatory Affairs

Director's Office (2012-132)

Part 18. Overhead and Gantry Cranes GI54-56

Department of Licensing and Regulatory Affairs

Director's Office (2012-133)

Part 21. Powered Industrial Trucks.....	57-58
---	-------

Department of Agriculture and Rural Development

Food and Dairy Division (2013-023)

Regulation No. 502 Grading, Labeling, and Marketing of Tomatoes	59-59
---	-------

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

Department of Natural Resources

Parks and Recreation Passport (2011-009)

Recreation Passport.....	61-61
--------------------------	-------

Hearing Notice	62-62
----------------------	-------

Department of Licensing and Regulatory Affairs

Director's Office (2012-009)

Elevator Rules	63-77
----------------------	-------

Hearing Notice	78-79
----------------------	-------

Department of Licensing and Regulatory Affairs

Director's Office (2012-013)

Boiler Rules	80-102
--------------------	--------

Hearing Notice	103-104
----------------------	---------

Department of Licensing and Regulatory Affairs

Director's Office (2012-082)

GI Part 19 Crawler, Locomotive, and Truck Cranes	105-107
--	---------

Department of Licensing and Regulatory Affairs

Director's Office (2012-083)

GI Part 20 Underhung Cranes.....	108-110
----------------------------------	---------

Department of Licensing and Regulatory Affairs

Director's Office (2012-118)

Plumbing Licensing Rules	111-115
--------------------------------	---------

Hearing Notice	116-117
----------------------	---------

Department of Licensing and Regulatory Affairs

Director's Office (2013-013)

GI Part 58 Aerial Work Platforms	118-123
--	---------

Department of Environmental Quality

Air Quality (2013-021)

Mercury Rules.....	124-138
--------------------	---------

Hearing Notice	139-139
----------------------	---------

**CERTIFICATION OF NEED
REVIEW STANDARDS**

Department of Community Health

Certificate of Need Review Standards Synopsis for Publication in the Michigan Register for Megavoltage Radiation Therapy (MRT) Services/Unit.....	141-142
--	---------

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

Department of Environmental Quality

Water Bureau Supplying Water to the Public	144-145
---	---------

Department of Treasury

Bureau of State Lottery Lottery	146-146
--	---------

**EXECUTIVE ORDERS
AND
EXECUTIVE REORGANIZATION ORDERS**

Executive Order No. 8

State Land Bank Fast Track Authority Michigan State Housing Development Authority	148-152
--	---------

MICHIGAN ADMINISTRATIVE CODE TABLE

Table (2013 Session)	154-162
----------------------------	---------

CUMULATIVE INDEX

Cumulative Index (2013)	163-167
-------------------------------	---------

BILLS SIGNED INTO LAW OR VETOED

Appendix Table 1 (2013 Session) (Legislative Service Bureau Pages (1-4)	168-168
---	---------

ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reinvention shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the Secretary of State on May 30, 2013

These rules take effect 30 days after filing with Secretary of State

(By authority conferred on the director of the department of licensing and regulatory affairs by section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, 445.2025, and 445.2030)

R 408.30801, R 408.30806, R 408.30808, R 408.30810, R 408.30811, R 408.30812, R 408.30815, R 408.30817, R 408.30818, R 408.30819, R 408.30822, R 408.30823, R 408.30826, R 408.30827, R 408.30835, R 408.30838, R 408.30865, R 408.30869, R 408.30870, R 408.30871 and R 408.30873 of the Michigan Administrative Code are amended and R 408.30872 and R 408.30880 are rescinded as follows:

PART 8. ELECTRICAL CODE

R 408.30801 National electrical code; adoptions by reference; inspection; purchase.

Rule 801. (1) The standards contained in the national electrical code, 2011 edition, except sections 110.24, 501.30B, 502.30B, 503.30B, 505.25B, 506.25B, 547.1 to 547.10, and Annex H, as published by the national fire protection association (NFPA), shall govern the installation, replacement, alteration, relocation, and use of electrical systems or material. With the exceptions noted, the national electrical code is adopted in these rules by reference.

(2) Informational notes contained within the body of the code are not adopted as a part of the code.

(3) All references to the ANSI/ASME A17.1 2010, safety code for elevators and escalators mean the Michigan elevator code and all references to the national electrical code mean the Michigan electrical code.

(4) NFPA 110, standard for emergency and standby power systems, 2010 edition and NFPA 111, standard on stored electrical energy emergency and standby power systems, 2010 edition, are adopted by reference in these rules.

(5) The codes are available for inspection at the Okemos office of the Michigan department of licensing and regulatory affairs, bureau of construction codes.

(6) The National Electrical Code, NFPA 110, and NFPA 111 may be purchased from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, or from the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, at a cost as of the time of adoption of these rules of \$90.00, \$39.00, and \$39.00 each, respectively.

R 408.30806 Application.

Rule 806. Sections 80.9 and 80.9.1 are added to the code to read as follows:

80.9. Applicability.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

80.9.1 Application.

(a) New installations. The code applies to new installations. Buildings with construction permits dated after adoption of the code shall comply with its requirements.

(b) Existing installations. Electrical systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use and maintenance continued if the use, maintenance, or repair is in accordance with the original design and no hazard to life, health, or property is created by this electrical system as determined by the code official.

(c) Additions, alterations, or repairs. Additions, alterations, or repairs to any building, structure, or premises shall conform to that required of a new building without requiring the existing building to comply with all the requirements of the code. Additions, alterations, installations, or repairs shall not cause an existing building to become unsafe or to adversely affect the performance of the building as approved. Electrical wiring added to an existing service, feeder, or branch circuit shall not result in an installation that violates the provisions of the code in force at the time the additions are made.

R 408.30808 Scope.

Rule 808. Sections 80.1, 80.1.1, 80.1.2, and 80.1.3 are added to the code to read as follows:

80.1. Scope. The code regulates the design, installation, maintenance, alteration, and inspection of electrical systems including all wiring, fixtures, appliances, and appurtenances in connection with the utilization of electrical energy, within or on a building, structure, or properties, and including service entrance wiring as defined by the code.

Exception: 1- and 2-family dwellings and multiple single-family dwellings (townhouses) not more than 3 stories high with separate means of egress and their accessory structures shall comply with the Michigan residential code.

80.1.1. Intent. The purpose of the code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of electrical wiring and equipment.

80.1.2. Severability. If a section, subsection, sentence, clause, or phrase of the code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the code.

80.1.3. Code conformity required. A person shall not install, alter, maintain, service, or repair, or cause or permit the installation, altering, maintaining, servicing, or repairing of electrical equipment in or on any building, structure, or part thereof, or on any premises, if by the person's action the work does not conform to the provisions of the code.

R 408.30810 Stop work order.

Rule 810. Section 80.13, 80.13.1 and 80.13.2 are added to the code to read as follows:

80.13. Authority. Whenever the enforcing agency finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the enforcing agency may issue a stop work order.

80.13.1. Issuance. Notice shall be in accordance with the act. A person who is served with a stop work order, except for work that the person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalty provisions prescribed by the act.

80.13.2. Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except the work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

R 408.30811 Duties and powers of the code official.

Rule 811. Section 80.14, 80.14.1, 80.14.2 and 80.14.3 are added to the code to read as follows:

80.14. Duties and powers of the code official. The code official is authorized and directed to enforce the provisions of this code. The code official may render interpretations of this code and adopt policies and procedures in order to clarify the application of its provisions. These interpretations, policies, and procedures shall be in compliance with the intent and purpose of this code. These policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

80.14.1. Department records. The enforcing agency shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, notices and orders issued. These records shall be retained in the official records for the period required for the retention of public records.

80.14.2. Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

80.14.3. Right of Entry. Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in any building or upon any premises any conditions or violations of this code that make the building or premises unsafe, unsanitary, dangerous, or hazardous, the code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the code official by this code. If the building or premises is occupied, the code official shall present credentials to the occupant and request entry. If the building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the code official shall have recourse to every remedy provided by law to secure entry.

R 408.30812 Means of appeal.

Rule 812. Sections 80.15, 80.15.1, and 80.15.2 are added to the code to read as follows:

80.15. Means of appeal. An interested person may appeal the decision of the enforcing agency to the board of appeals in accordance with the act. An application for appeal shall be based on a claim that the true intent of the code or the rules governing construction have been incorrectly interpreted, the provisions of the code do not apply, or an equal or better form of construction is proposed. The decision of a local board of appeals may be appealed to the construction code commission in accordance with the act and timeframes.

80.15.1. Limitation of authority. The board of appeals shall have no authority relative to interpretation of the administration of the code nor shall such board be empowered to waive requirements of the code.

80.15.2. Qualifications. The board of appeals shall consist of members who are qualified in accordance with the act.

R 408.30815 Maintenance of existing wiring and equipment.

Rule 815. Section 80.18 of the code is added to read as follows:

80.18. Maintenance of existing wiring and equipment. Every building, structure, or part thereof shall be kept in good electrical repair by the owner.

R 408.30817 Disconnection of dangerous electrical equipment.

Rule 817. Section 80.18.1 is added to the code to read as follows:

80.18.1. Disconnection of dangerous electrical equipment. If the use of any electrical equipment is found imminently dangerous to human life or property, the enforcing agency may condemn the equipment or disconnect it from its source of electric supply, except that the enforcing agency shall not disconnect the service entrance equipment or utility service drop wires unless the entrance equipment or utility wires in themselves constitute a hazard to life or property. If the enforcing agency condemns or disconnects dangerous equipment, then the agency shall place a notice on the equipment listing the causes for the condemnation or disconnection and the penalty under the act for the unlawful use of the equipment. The agency shall give written notice of the condemnation or disconnection and the causes for condemning or disconnecting the equipment to the owner or the occupant of the building, structure, or premises. A person shall not remove the notice or reconnect the electrical equipment to its source of electric supply, or use or permit the use of electrical current in the electrical equipment, until the causes for the condemnation or disconnection are remedied and a permit for the electrical repairs of the equipment is obtained from the enforcing agency.

R 408.30818 Permits and certificates.

Rule 818. Sections 80.19, 80.19.1, 80.19.2, 80.19.3, 80.19.4, 80.19.5, 80.19.6, 80.19.7, 80.19.8, 80.19.9, 80.19.10, 80.19.11, 80.19.12 and 80.19.13 are added to the code to read as follows:

80.19. Permits and certificates. A person shall not equip a building with electrical conductors or equipment or make an alteration of, change in, or addition to, electrical conductors or equipment without receiving a written permit to do the work described. If the electrical installation or alterations of, changes in, or addition to, electrical conductors or equipment are found to be in compliance with the provision of the code and if the work has passed the inspection of the enforcing agency, then the enforcing agency shall, upon the request of the permit holder to whom the permit was issued, issue a certificate of final electrical inspection. The certificate certifies that the provisions of the code have been complied with. This section does not apply to installations that are referred to in section 7(3)(a), (b), (c), (d), (e), (f), (h), (k), (l), or (o) of 1956 PA 217, MCL 338.887.

80.19.1. To whom permits are issued.

(1) A permit for any type of electrical installation may be secured by 1 of the following:

(a) A holder of an electrical contractor license or the qualifying master for the electrical contractor when authorized by the electrical contractor to secure a permit.

(b) A homeowner who occupies or will occupy a single-family dwelling and other accessory structures located on the same lot intended for use by the homeowner for which the permit is obtained and who will install the electrical equipment as certified by the homeowner on the permit application pursuant to the act.

(2) A permit for a fire alarm system may be secured by the holder of a fire alarm specialty contractor license or the qualifying fire alarm specialty technician qualifying the fire alarm specialty contractor when authorized by the fire alarm specialty contractor to secure a permit.

(3) A permit for an electrical sign or outline lighting, as defined in section 1b(1) and (2) of 1956 PA 217, MCL 338.881b(1) and (2), may be secured by the holder of a sign specialty contractor license or the sign specialty technician qualifying the sign specialty contractor when authorized by the sign specialty contractor to secure a permit.

(4) A permit for electrical wiring associated with the installation, removal, alteration, or repair of a water well pump on a single-family dwelling to the first point of attachment in the house from the well, may be secured by a registered pump installer under part 127 of 1978 PA 368, MCL 333.12701 to 333.12771.

(5) A permit for wiring associated with existing mechanical and plumbing systems referenced in section 7(3)(i) of 1956 PA 217, MCL 338.887(3)(i), may be secured by the following:

(a) A holder of a mechanical contractor license issued pursuant to section 6(3)(a), (b), (d), (e), and (f) of 1984 PA 192, MCL 338.976(3)(a), (b), (d), and (f).

(b) A holder of a plumbing contractor license issued pursuant to 2002 PA 733, MCL 338.3511 to 338.3569.

80.19.2. Application for permit. Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The permit application shall contain all applicable information pursuant to with the act and shall include the signature of the applicant in compliance with section 80.19.1 of the code.

80.19.3. Permit expiration. Each permit issued by the code official under the provisions of the code shall expire by limitation and become null and void if the work authorized by the permit is not begun within 180 days from the date of the permit or if not inspected after the work is begun for a period of 180 days. Before the work may be restarted, the permit shall be reinstated if the code has not changed. If the code has changed and the work was not started, a new permit is required based on the current requirements.

80.19.3.1. Posting of permit. The permit or a copy shall be kept on site of the work until the project is completed.

80.19.4. Uncompleted installation notification. If a person to whom a permit is issued for the installation and inspection of electrical conductors and electrical equipment quits the installation for any reason, then the person shall notify the enforcing agency.

80.19.5. Inspection and refunds for partial installation. If an installation is partially completed, then a permit holder, upon quitting the installation, shall notify the enforcing agency and shall request an inspection. The inspector shall record the acceptance of, or violations against, the work installed on the permit record according to the findings of the inspector. The enforcing agency shall not grant a refund to the permit holder of the permit fee covering electrical equipment installed and inspected.

80.19.6. Owner notification to enforcing agency. If a permit holder quits an installation after the electrical equipment is installed and fails to notify the enforcing agency, then the building owner or his or her agent may notify the enforcing agency and request inspection. Upon inspection, the enforcing agency shall send the permit holder a notice of a violation. The owner may then secure another licensed contractor to proceed with the work if the new contractor is properly covered by a permit.

80.19.7. Transfer of permit. An electrical permit is not transferable.

80.19.8. Fraudulent application for permit. A permit that is issued in violation of the laws of this state or as a result of false or fraudulent information or misinterpretation of conditions is subject to revocation at the direction of the enforcing agency. The enforcing agency shall notify the person holding the permit to appear and show cause why the permit should not be revoked. Failure to appear is sufficient grounds for revocation of the permit.

80.19.9. Suspension or revocation of permit. The code official shall have the authority to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

80.19.10. Annual permit. In place of an individual permit for each alteration to an already approved electrical installation, the enforcing agency may issue an annual permit upon application to any person, firm, or corporation. The applicant shall be licensed pursuant to the electrical administrative act, 1956 PA 217, MCL 338.881 to 338.892.

80.19.11. Annual permit records. The person, firm, and corporation to whom an annual permit is issued shall keep a detailed record of alterations made under an annual permit. Access to the records shall be provided at all times and the records shall be filed with the enforcing agency.

80.19.12. Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued; except that the code official may grant 1 or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause shall be demonstrated.

80.19.13. Validity of permit. The issuance of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or any other ordinance of the jurisdiction. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid.

The issuance of a permit based upon construction documents and other data shall not prevent the code official from thereafter requiring the correction of errors in the construction documents and other data, or from preventing building operations being carried on thereunder, when in violation of this code or other ordinances of this jurisdiction.

R 408.30819 Plans and specifications.

Rule 819. Sections 80.21, 80.21.1, 80.21.2, 80.21.3 and 80.21.4 are added to the code to read as follows:

80.21. Plans and specifications. An applicant shall submit a detailed set of plans and specifications with the application for an electrical permit for any wiring or alteration to an electrical system if the system requires installation of electrical equipment that has an ampacity of more than 400 amperes for the service or feeder and if the calculated floor area in a building is more than 3,500 square feet. The enforcing agency may request plans for projects that include an unusual design. The electrical drawings shall include all of the following details:

- (a) Lighting layout.
- (b) Circuiting.
- (c) Switching.
- (d) Conductor and raceway sizes.
- (e) Wattage schedule.
- (f) Service location and riser diagram.
- (g) Load calculations and available fault current calculations.
- (h) A proposed method of construction that is drawn with symbols of a standard form.

All conductors are assumed to be copper unless otherwise stated in the plan. Specifications, when provided, shall also include the information listed in this rule. The selection of suitable disconnect and overcurrent devices to provide proper coordination and interrupting capacity for a wiring system is the responsibility of the designer. The enforcing agency, when approving electrical plans, does not assume responsibility for the design or for any deviations from any electrical drawings. The permit holder shall ensure that the plans and specifications approved by the enforcing agency, or a certified copy of the plans and specifications, where required, are available on the jobsite for the use of the enforcing agency.

80.21.1. Preparation of plans. An architect or engineer shall prepare, or supervise the preparation of, all plans and specifications for new construction work or repair, expansion, addition, or modification work. The architect or engineer shall be licensed under 1980 PA 299, MCL 339.101 to 339.2919. The plans and specifications shall be sealed and signed pursuant to 1980 PA 299, MCL 339.101 to 339.2919.

Note: For exceptions, see 1980 PA 299, MCL 339.101 to 339.2919.

80.21.2. Application and permits. The code official shall receive applications, review construction documents, and issue permits for the installation and alteration of electrical systems, inspect the premises for which the permits have been issued, and enforce compliance with the code.

The code official may issue a permit for the construction of and part of an electrical system before the entire construction documents for the whole system have been submitted or approved, provided

adequate information, and detailed statements have been filed complying with all pertinent requirements of this code. The holders of the permit shall proceed at their own risk without assurance that the permit for the entire electrical system will be granted.

Work shall be installed pursuant to the code and approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

80.21.3. Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been previously issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

80.21.4 . Retention of construction documents. The code official shall retain 1 set of approved construction documents for a period of not less than 180 days from the date of final inspection of the permitted work.

R 408.30822 Inspections.

Rule 822. Sections 80.22, 80.22.1 and 80.22.2 are added to the code to read as follows:

80.22. Inspection requests. The holder of the permit or his or her duly authorized agent shall notify the code official when work is ready for inspection. The permit holder shall provide access to and means for inspections of work that is required by this code. An enforcing agency shall perform the inspection within a reasonable period of time after the request for inspection is made

80.22.1. Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

80.22.2. Concealing electrical installation. The code official may conduct inspections deemed necessary to determine compliance with the provisions of this code. Construction or work for which a permit is required shall be subject to inspection by the code official, and the construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

R 408.30823 Connection to electricity supply.

Rule 823. Section 80.25 is added to the code to read as follows:

80.25. Connection to electricity supply. Except where work is performed under an annual permit or except as otherwise provided in the code, a person, firm, or corporation shall not make connection to a supply of electricity or to supply electricity to any electric equipment installation for which a permit is required or that has been disconnected or ordered to be disconnected until authorized by the enforcing agency.

R408.30826 Violations.

Rule 826. Section 80.23 is added to the code to read as follows:

80.23. Violations. If it is found that any electrical equipment does not conform to the provisions of the code, then the enforcing agency shall notify, in writing, the person who installs, or who is responsible for installing, the electrical equipment, in accordance with the act, of the defect, misuse, or violation. Violation penalties shall be as specified in the act and with the electrical administrative act, 1956 PA 217, MCL 338.881 to 338.892. Any portions that do not comply shall be corrected and this portion shall not be covered or concealed until authorized by the enforcing agency.

R 408.30827 Service equipment.

Rule 827. Section 80.26 and 80.26.1 are added to the code to read as follows:

80.26. Service equipment. The enforcing agency shall approve service equipment installed, altered, or repaired before the load side of the meter is energized.

80.26.1 Emergency service repairs. The governing utility shall be permitted to reconnect the electrical service, prior to approval by the enforcing agency, following emergency repairs performed by an electrical contractor licensed pursuant to the electrical administrative act, 1956 PA 217, MCL 338.881 to 338.892. The electrical contractor shall secure a permit within the next business day after the work is completed. This requirement is not applicable to new service connections, upgrades, structural fires, or other planned modifications.

R 408.30835 Number of service-entrance conductor sets.

Rule 835. Section 230.40 of the code is amended to read as follows:

230.40. Number of Service-Entrance Conductor Sets. Each service drop, set of overhead service conductors, set of underground conductors, or service lateral shall supply 1 set of service-entrance conductors.

Exception 1: A building with more than 1 occupancy shall be permitted to have 1 set of service-entrance conductors for each service, as defined in section 230.2 of the code, run to each occupancy or group of occupancies. If the number of service disconnect locations for any given classification of service does not exceed 6, the requirements of 230.2(E) shall apply at each location. If the number of service disconnect locations exceeds 6 for any given supply classification, all service disconnect locations for all supply characteristics, together with any branch circuit or feeder supply sources, if applicable, shall be clearly described using suitable graphics or text, or both, on 1 or more plaques located in an approved, readily accessible location(s) on the building or structure served and as near as practicable to the point(s) of attachment or entry(ies) for each service drop or service lateral, and for each set of overhead or underground service conductors.

Exception 2: Where 2 to 6 service disconnecting means in separate enclosures are grouped at 1 location and supply separate loads from 1 service drop, set of overhead service conductors, set of underground service conductors, or service lateral, 1 set of service-entrance conductors may supply each or several such service equipment enclosures.

Exception 3: A 2-family dwelling or a multifamily dwelling may have 1 set of service-entrance conductors installed to supply the circuits covered in section 210.25 of the code.

Exception 4: One set of service-entrance conductors connected to the supply side of the normal service disconnecting means may supply each or several systems covered by section 230.82(4) or section 230.82(5) of the code.

R 408.30838 NFPA code; adoption by reference.

Rule 838. Sections 700.8 and 701.8 of the code are amended to read as follows:

700.8. Installation. Emergency systems shall be installed pursuant to NFPA 110 and NFPA 111, 2010 editions, which are adopted by reference in these rules.

701.8. Installation. Legally required standby systems shall be installed pursuant to NFPA 110 and NFPA 111, 2010 editions, which are adopted by reference in these rules.

R 408.30865 Switches controlling lighting loads.

Rule 865. Section 404.2(C) of the code is amended to read as follows:

404.2(C). Switches controlling lighting loads. Where switches control lighting loads supplied by a grounded general purpose branch circuit, the grounded circuit conductor for the controlled lighting circuit shall be provided at the switch location.

Exception 1: The grounded circuit conductor shall be permitted to be omitted from the switch enclosure where either of the following conditions apply:

(1) Conductors for switches controlling lighting loads enter the box through a raceway. The raceway shall have sufficient cross-sectional area to accommodate the extension of the grounded circuit conductor of the lighting circuit to the switch location whether or not the conductors in the raceway are required to be increased in size to comply with 310.15(B)(3)(a).

(2) Cable assemblies for switches controlling lighting loads enter the box through a framing cavity that is open at the top or bottom on the same floor level, or through a wall, floor, or ceiling that is unfinished on 1 side.

Exception 2: Where lighting loads supplied by a grounded general purpose circuit and controlled by 3-way, or 3-way and 4-way switches, the grounded neutral conductor shall be required to be supplied to only 1 switch location.

R 408.30869 Grounding conductors.

Rule 869. Section 250.118 of the code is amended to read as follows:

250.118. Types of equipment grounding conductors. The equipment grounding conductor run with or enclosing the circuit conductors shall be 1 or more or a combination of the following:

(1) A copper, aluminum, or copper-clad aluminum conductor. This conductor shall be solid or stranded; insulated, covered, or bare; and, in the form of a wire or a busbar of any shape.

(2) Rigid metal conduit.

(3) Intermediate metal conduit.

(4) Electrical metallic tubing.

(5) Flexible metallic tubing where the tubing is terminated in listed fittings and meeting both of the following conditions:

(a) The circuit conductors contained in the tubing are protected by overcurrent devices rated at 20 amperes or less.

(b) The length of flexible metallic tubing in the ground return path does not exceed 1.8m (6 feet).

(6) Armor of type AC cable as provided in section 320.108 of the code.

(7) The copper sheath of mineral-insulated, metal-sheathed cable.

(8) Type MC cable that provides an effective ground-fault current path pursuant to 1 or more of the following:

(a) It contains an insulated or uninsulated equipment grounding conductor in compliance with 250.118(1).

(b) The combined metallic sheath and uninsulated equipment grounding or bonding conductor of interlocked metal tape-type MC cable that is listed and identified as an equipment grounding conductor.

(c) The metallic sheath or the combined metallic sheath and equipment grounding conductors of the smooth or corrugated tube-type MC cable that is listed and identified as an equipment grounding conductor.

(9) Cable trays as permitted by sections 392.3(c) and 392.7 of the code.

(10) Cablebus framework as permitted by section 370.3 of the code.

(11) Other listed electrically continuous metal raceways and listed auxiliary gutters.

(12) Surface metal raceways listed for grounding.

R 408.30870 Overcurrent protection.

Rule 870. Section 625.21 of the code is amended to read as follows:

625.21 Overcurrent protection. Overcurrent protection for feeders supplying electric vehicle supply equipment shall be sized for continuous duty and shall have a rating of not less than 125% of the maximum load of the electric vehicle supply equipment. When noncontinuous loads are supplied from the same feeder, the overcurrent device shall have a rating of not less than the sum of the noncontinuous loads plus 125% of the continuous loads. The branch circuit supplying the electric vehicle equipment shall be an individual branch circuit sized for continuous duty and shall have a rating of not less than 125% of the maximum load of the electric vehicle supply equipment.

R 408.30871 Bonding other metal piping.

Rule 871. Section 250.104(B) of the code is amended to read as follows:

250.104(B). (1) Bonding other metal piping. If installed in or attached to a building or structure, a metal piping system, including gas piping, capable of becoming energized shall be bonded to the service equipment enclosure, the grounded conductor at the service, the grounding electrode conductor if of sufficient size, or to 1 or more grounding electrodes used.

(2) Other than corrugated stainless steel tubing (csst). The bonding jumper shall be sized in accordance with table 250.122 using the rating of the circuit capable of energizing the piping. The equipment grounding conductor for the circuit that is capable of energizing the piping may serve as the bonding means.

(3) Corrugated stainless steel tubing (csst). Csst gas piping systems shall be bonded by connection to a metallic piping segment or fitting, either outside or inside the building, between the individual gas meter and the first csst fitting. The bonding jumper shall be sized in accordance with Table 250.66 based on the size of the service-entrance conductor or feeder supplying each occupancy and as permitted in Table 250.66, but not smaller than 6 AWG copper (or equivalent).

R 408.30872 Rescinded.

R 408.30873 Uses permitted.

Section 334.10 of the code is amended to read as follows:

334.10. Uses Permitted. Type NM, type NMC, and type NMS cables may be used in the following:

(1) One- and 2-family dwellings and their attached or detached garages, and their storage buildings.

(2) Multifamily dwellings except as prohibited in section 334.12 of the code.

(3) Other structures except as prohibited in section 334.12 of the code. In structures exceeding 1 floor above grade, cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire rated assemblies pursuant to the Michigan building code.

(4) Cable trays in structures permitted to be types III, IV, or V where the cables are identified for the use.

R 408.30880 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

STATE BOUNDARY COMMISSION

GENERAL RULES

Filed with the Secretary of State on May 30, 2013

These rules take effect 30 days after filing with the Secretary of State

(By authority conferred on the director of the department of licensing and regulatory affairs section 4 of 1968 PA 191, MCL 123.1004 and Executive Reorganization Order Nos. 1973-2, 1980-1, 1996-2, 2003-1, 2008-4 and 2011-4, being MCL 299.11, 16.732, 445.2001, 445.2011, 445.2025 and 445.2030)

R 123.1, R 123.4, R 123.21, R 123.22, R 123.23, R 123.24, R 123.43, R 123.44, R 123.51, R 123.52, R 123.53, R 123.54, R 123.55, R 123.61, R 123.62, R 123.63, R 123.64 and R 123.65, of the Michigan Administrative Code are amended and R 123.20, R 123.30, R 123.31, R 123.32, R 123.33, R 123.34, R 123.35, R 123.36, R 123.37, R 123.38, R 123.40, and R 123.56 are added and R 123.6, R 123.25, R 123.26, R 123.27, R 123.41, R 123.42, R 123.45, R 123.46, R 123.47, R 123.66, R 123.67, R 123.68, R 123.69, R 123.71, R 123.72, R 123.73, R 123.74 and R 123.75 are rescinded as follows

PART 1. GENERAL PROVISIONS

R 123.1 Definitions; A to I.

Rule 1. (1) The terms defined in the act have the same meaning when used in these rules.

(2) As used in these rules:

(a) "Act" means 1968 PA 191, MCL 123.1001 to 123.1020 and known as the state boundary commission act.

(b) "Active docket" means an annexation petition or resolution, or incorporation or consolidation petition that is first in line at the time of its filing, or becomes first in line by the removal of a prior blocking petition or court action.

(c) "City incorporation" means the formation of a new city from township territory, 1 or more villages and contiguous township territory, or an incorporated village without change of boundaries.

(d) "Consolidation" means the formation of a new city from 1 of the following:

(i) Two or more cities.

(ii) One or more cities and 1 or more villages.

(iii) One or more cities and 1 or more townships.

(iv) One or more cities and 1 or more villages and 1 or more townships.

(v) One or more cities and 1 or more villages and 1 or more portions of townships.

(e) "Department" means the department of licensing and regulatory affairs.

(f) "Director" means the director of the department or an authorized representative of the director.

(g) “Docket” means a boundary adjustment petition or resolution filed with the commission pursuant to the act and these rules.

(h) “Home rule city act” means, 1909 PA 279, MCL 117.1 to 117.38.

(i) “Home rule village act” means 1909 PA 278, MCL 78.1 to 78.28 .

(j) “Inactive docket” means an annexation petition or resolution or incorporation or consolidation petition that must wait in line because of an earlier filed petition describing the same area in part or whole or a petition blocked by legal action.

R 123.4 Definitions; V, W.

Rule 4. (1) “Village incorporation” means the formation of a new village from township territory.

(2) “Writing” means communication via mail, personal delivery, or electronic communication.

R 123.6 Rescinded.

Rule 6. COMMISSION SESSIONS

R 123.20 Adjudicative sessions; call; attendance; quorum; presiding officer.

Rule 20. (1) When necessary, the chairperson of the commission shall call an adjudicative session for the purpose of transacting any business described in R 123.21 under the conditions prescribed in R 123.22 and R 123.23. When possible, the sessions shall be attended by all state members serving and by the county members appointed to sit on the commission.

(2) A quorum of the commission shall consist of at least 3 members, at least 2 of whom shall be state members. Regardless of the number of commissioners present, at least 3 concurring votes are required to take any adjudicative action.

R 123.21 Business.

Rule 21. At an adjudicative session, the commission may take 1 or more of the following actions:

(a) Decide on the legal sufficiency of a docket before its call for a public hearing.

(b) Order the date, place, and time for a public hearing.

(c) Take any appropriate action authorized by the act after the public hearing has been held.

R 123.22 Votes.

Rule 22. At an adjudicative session, a concurring vote of at least 3 commissioners is required to take action. The votes of each commissioner shall be noted in the commission’s record. The chairperson shall be a voting member of the commission on all matters. A member of the commission who has a conflict of interest, financial or otherwise, in a docket before the commission shall disclose the interest before the commission takes action on the docket. The disclosures shall be a matter of record in its official proceedings.

R 123.23 Record and finality of action.

Rule 23. A record shall be made of all proceedings at an adjudicative session. Commission action is final when the chairperson signs the findings of fact and conclusions of law, which recommend that the director reject, deny, approve, or approve with adjusted boundaries, and submits the findings of fact and conclusions of law to the director. The effective date of the action on the docket is determined by the order document, which shall be signed by the director. For purposes of judicial review, the action on a docket is not final until the order document is signed by the director.

R123.24 Administrative sessions.

Rule 24. (1) When necessary, the chairperson may call the other state members into an administrative session.

(2) At an administrative session, the state members may take any action to administer the act and to implement its purposes. No docket before the commission shall be discussed at an administrative session.

(3) At an administrative session, the vote of 2 state members is required to take a final action.

(4) At the direction of the chairperson, 1 or more state members may conduct administrative business of the commission that does not require a vote.

R 123.25 Rescinded.

R 123.26 Rescinded.

R 123.27 Rescinded.

PART 3. PREPARATION AND FILING OF PETITIONS OR RESOLUTIONS AND PROCESSING OF DOCKETS

R 123.30 Forms.

Rule 30. A petition or resolution shall be filed on the forms provided by the department.

R 123.31 Registered electors; certification.

Rule 31. (1) Upon the filing of a petition initiating an annexation by registered electors of the area proposed to be annexed, the township clerk shall certify to the department the number of registered electors in the area proposed to be annexed on the date the petition was filed. The township clerk shall certify whether the signatures are of registered electors in the area proposed to be annexed.

(2) Upon the filing of a petition initiating an incorporation the township or village clerk, whichever is appropriate, shall certify whether the signatures are of qualified electors and freeholders of the area proposed to be incorporated.

(3) Upon the filing of a petition initiating a consolidation, the township, village, or city clerk, whichever is appropriate, shall certify whether the signatures are of qualified electors of the area proposed to be consolidated.

(4) Upon the filing of a referendum petition asking for an election on an annexation, the city or township clerk, whichever is appropriate, shall certify to the department the number of registered voters in the area proposed to be annexed, the remainder of the township and the annexing city, whichever is appropriate, on the filing date of the petition. The city or township clerk, whichever is appropriate, shall certify whether the signatures are of registered electors of the city, of the area proposed to be annexed, or the balance of the township, whichever is appropriate.

(5) Upon the filing of a referendum petition asking for an election on a consolidation or incorporation, the city or township clerk, whichever is appropriate, shall certify to the department the number of registered electors in the area proposed to be consolidated or incorporated on the filing date of the petition. The city or township clerk, whichever is appropriate, shall certify whether the signatures are of qualified electors of the area proposed to be incorporated or consolidated.

R 123.32 Filings; notice of filing.

Rule 32. (1) An incorporation, consolidation, or annexation petition or annexation resolution shall be filed with the commission. A statement signed by at least 1 signer of the petition or resolution

designating the name and address of a natural person to receive notices on behalf of all signers shall accompany the filing or shall be filed separately within 10 business days from the filing. Notice served by the department or any other person on the designated natural person shall be deemed notice to all signers of the petition or voters on the resolution. Notice to an affected city, village, township, or county shall be through its clerk. Upon the filing of a petition or resolution, the department shall make a notation as to the date and time of filing and assign a docket number. Receipt of a petition or resolution shall not be an acknowledgement that it is legally sufficient.

(2) Other items permitted or required to be filed shall be tendered in a legible reproducible form and transmitted to the department.

(3) A person may request, in writing, that the department notify the person in writing when a document has been filed involving a specific docket and the department shall send the notice at the earliest practicable time after the filing of the item.

(4) A person may inspect the file regarding a specific docket at the department during regular business hours, and at the person's own expense may cause the contents of the file to be duplicated.

R 123.33 Determination of population of area proposed for annexation.

Rule 33. (1) When an annexation petition or resolution is filed, the filing population on the filing date shall be determined as soon as practicable after the filing by 1 of the following methods:

(a) By joint agreement of the involved township board and city council and their certification of the population.

(b) By submission of either the township board or the city council, or both, of a certified list of the names and addresses of all residents in the area proposed to be annexed on the date the petition or resolution was filed.

(c) By a door-to-door canvas and interviews with the people within the area proposed to be annexed and certification to the department by the involved units of government.

(2) If both legislative bodies file lists, the commission shall examine the lists and using the guidance of applicable statutes, attorney general opinions, or court decisions make a final population determination.

(3) If only 1 legislative body files a resident list, the department shall supply a copy of the filed list to the non-filing board and grant 30 days for that board to file written challenges to any names contained in the filed list. Upon the filing of a written challenge, the commission shall examine the challenge and using the guidance of applicable statutes, attorney general opinions, or court decisions, the commission shall make a final population determination.

(4) If the department receives only 1 filed certified resident list and that list receives no challenge, it shall stand as the determined population and the commission shall so certify.

R 123.34 Pleadings.

Rule 34. In addition to petitions required by sections 7 and 12 of the act, MCL 123.1007 and 123.1012, and petitions and resolutions required by sections 9(2) and (7) of the home rule city act, 1909 PA 279, MCL 117.9(2) and (7), objections to the form or substance of a petition or resolution, answers to such objections, a memorandum brief on issues of fact or law, and such other pleadings as the commission may allow may be filed up to 7 days prior to the commissions meeting on the docket.

R 123.35 Determination of days to public hearing.

Rule 35. (1) For purposes of determining the minimum 60 days and maximum 220 days from filing of an active docket to the holding of the public hearing, the days shall be counted from the date of the filing.

(2) The 60- and 220-day public hearing requirement shall not apply to inactive dockets until such time that they may become active dockets.

R 123.36 Rejected petitions or resolutions.

Rule 36. (1) The department shall reject an annexation petition or resolution for territory that includes all or any part of the territory which was described in any annexation petition or resolution filed within the preceding 2 years and that was denied by the department or was defeated in an election.

(2) The department shall reject a consolidation petition if a proposition to consolidate the identical municipalities had been voted on within the 2 years immediately preceding the filing of the later petition.

(3) Upon this determination, the department shall return the petition or resolution to the petitioner and shall certify the reasons for its rejection.

(4) The 2-year period shall start on the day the prior annexation petition or resolution was filed.

(5) The 2-year period shall not apply to incorporation, consolidation, or annexation petitions or resolutions that were rejected for not being legally sufficient.

R 123.37 Petitions and resolutions; contents.

Rule 37. (1) A petition for incorporation, consolidation, or annexation or an annexation resolution shall identify graphically on a map, labeled “part I”, and by an accurate written legal description, labeled “part III”, the boundaries of the lands that are proposed to be incorporated, consolidated, or annexed.

(2) A “part I” map of any incorporation, consolidation, or annexation petitions or annexation resolutions shall consist of 1 or more sheets of a map clearly showing the territory proposed to be incorporated, consolidated, or annexed. The “part I” map shall be constructed by the petitioner so its minimum size is 8 ½” x 11” and maximum size is 36”x 42”. The “part I” map shall be of sufficient scale and clarity as to be unambiguous to laypersons with respect to the inclusion or exclusion of their own property and shall include all of the following:

(a) All section lines, quarter section lines, and government corners that affect the boundary of the area proposed for annexation, incorporation, or consolidation.

(b) All current and proposed municipal boundary lines in the area of and in proximity to the area proposed for annexation, incorporation, or consolidation, including labeling of all adjacent governmental units.

(c) A north arrow.

(d) A map scale that is both stated and represented by a graphical bar.

(e) All roads, streets, and highways that relate to the boundary of the area proposed for annexation, incorporation, or consolidation.

(f) All major geographic features that relate to the boundary of the area proposed for annexation, incorporation, or consolidation.

(g) Labeled parcels of common ownership along the perimeter of the area proposed for annexation, incorporation, or consolidation to avoid splitting parcels under common ownership into separate municipalities.

(h) If there is more than 1 sheet in the “part I” map, there shall be a master sheet that shows how the individual sheets relate to the whole. The master sheet shall clearly show the location of all major features including major roads, section lines, existing local government boundaries, and major geographical features.

(3) For any incorporation, consolidation or annexation petitions or annexation resolutions, the existing municipal boundary lines shown on the “part I” map shall be substantially consistent with the municipal boundary histories on file with the secretary of state’s office of the great seal at the time of the filing.

(4) For an annexation petition or resolution, the area proposed for annexation shall be contiguous to the annexing city as referenced by the municipal boundary histories on file with the secretary of state's office of the great seal at the time of the filing.

(5) Parts II and IV through VI shall be prepared on forms furnished by the department.

(6) "Part VII" shall contain a map that shows the relationship of the area proposed for incorporation, consolidation, or annexation to the balance of the involved and adjacent units of government. The map may be of a size that the petitioner chooses and shall not be considered in the determination of legal sufficiency. For the purpose of determining legal sufficiency, a "part I" map and "part III" legal description shall be part of the petition or resolution and shall be substantially accurate and consistent with each other. The commission may order that all or part of the boundaries of the area be reviewed by a professional land surveyor to verify the accuracy and consistency of the "part I" map, and "part III" legal description.

(7) In a petition submitted to the public for signature, the "part I" map shall accompany the signature sheets. Upon discovery of a disparity between various public or private records as to land ownership or the location of local government boundaries, the department shall issue a report on the disparity and notify the commission, the petitioners, and the affected units of government prior to the commission's meeting on the legal sufficiency.

(8) When documents that are part of the petition or resolution contain reference to additional recorded data or documents that are found to be necessary to determine the accuracy of the petition, resolution, map, or legal description, and copies of these recorded documents are not a part of the docket, the department may request the petitioner to supply copies of these documents by a specified date.

(9) An annexation petition initiated by a firm, corporation, or other formal organization shall contain copies of resolutions, meeting minutes, correspondence, transmittal letters, or other documents that are necessary to show that the petitioner was authorized to file on behalf of the organization.

(10) An annexation resolution initiated by a city shall contain copies of all documents necessary to show that the city council approved the annexation resolution before filing with the department.

(11) Upon filing, each petition or resolution shall stand or fall on its own content. Before the legal sufficiency meeting, the department may provide notice of obvious scrivener's errors in the docket and allow the petitioner to correct these errors, except for errors on a "part-I" map that accompanied the petition signature sheets. The department shall retain a copy of the docket in its original state for docket proceedings. Modifications, corrections, deletions, or additions to a petition shall not be made except those authorized in this subrule.

R 123.38 Withdrawal of petition or resolution.

Rule 38. (1) An annexation resolution filed pursuant to section 9(7)(a) of the home rule city act, 1909 PA 279, MCL 117.9(7)(a), or an annexation petition filed pursuant to section 9(7)(b) of the home rule city act, MCL 117.9(7)(b), may be withdrawn by the legislative body or persons, firms, corporations, or government agencies that have initiated the petition or resolution without commission action through the filing of a written request and by official action, if desired by the petitioner. When an annexation resolution or petition is withdrawn, the docket proceedings shall terminate and another petition or resolution shall be filed for action on a future docket.

(2) The department may give notice to a petitioner referenced in subrule (1) of this rule that the petition or resolution does not appear to meet the requirements of the act, the home rule city act, the home rule village act, or these rules.

PART 4. COMMISSION PROCEDURES

R 123.40 Petitions and resolutions filed with the commission; notice.

Rule 40. Within 10 days after the filing of an incorporation or consolidation petition or annexation petition or resolution, under the commission's jurisdiction, the department shall complete and transmit to the involved local governmental clerk, the affected county clerk, and the secretary of state a notice of filing with the commission.

R 123.41 Rescinded.

R 123.42 Rescinded.

R 123.43 Legal sufficiency meeting.

Rule 43. Before the public hearing, the commission shall examine the legal sufficiency of the docket at an adjudicative session. The commission shall determine legal sufficiency of a docket pursuant to the act and these rules.

R 123.44 Annexation, consolidation, and incorporation; criteria information; methods of gathering.

Rule 44. After declaring the legal sufficiency of a docket for annexation, incorporation, or consolidation, the commission shall obtain the criteria data or information prescribed in section 9 of the act, MCL 123.1009, by using all or any combination of the following methods:

(a) Instructing the petitioner and the involved units of government to complete and return within 30 days of receiving from the department a criteria data or information evaluation questionnaire.

(b) Directing staff or other personnel to gather the necessary data or information, which shall be made available to the department at a specified date before the public hearing date. In addition, the department may direct that the raw data or information be analyzed, organized, condensed, summarized, and presented to the commission in a compacted form. All raw data shall be maintained as part of the docket.

(c) Directing staff to send written questions or requests for specific information to the petitioner, involved units of government, affected or interested state and federal agencies, affected planning commissions or other interested persons or governmental units to be filed in writing with the department by a specified date.

R 123.45 Rescinded.

R 123.46 Rescinded.

R 123.47 Rescinded.

PART 5. COMMISSION PUBLIC HEARINGS

R 123.51 Place; notices; adjournment.

Rule 51. (1) A public hearing shall be held in a public place located in or near the territory to be included within a proposed municipal boundary adjustment. Notice shall be given as prescribed in section 8 of the act, MCL 123.1008.

(2) The department shall notify the clerks of the involved units of government and the county clerks of the involved counties under the act and these rules.

(3) If the municipal boundary adjustment is an annexation matter, the department shall notify the property owners located within, and within 300 feet of, the proposed annexation pursuant to the home rule city act and these rules.

(4) When the commission is considering revising the boundaries from those proposed in the petition or resolution, the department shall provide notice as required by the act, the home rule city act, and the home rule village act.

R 123.52 Commissioners present; presiding officers; scope.

Rule 52. (1) Whenever possible, a public hearing as required by section 8 of the act, MCL 123.1008, shall be attended by all state members and the 2 county members. A member not in attendance at a public hearing shall review the public hearing record and so signify to the chairperson to be eligible to vote at subsequent adjudicative sessions. The chairperson or designee shall preside.

(2) The commission shall receive at public hearing information concerning the reasonableness of the proposed incorporation, consolidation, or annexation based on the criteria listed in section 9 of the act, MCL 123.1009. Information presented in oral or exhibit form or comment or analysis of information presented shall be germane and shall become part of the record.

(3) A person may present information at public hearing or make a statement about the effect of the proposed action upon personal interest.

R 123.53 Presenters.

Rule 53. (1) An interested party may speak directly, may be represented by counsel, and may present 1 or more spokespersons and supporting witnesses necessary to present relevant information if the presentation is limited to a reasonable time at the discretion of the chairperson or his designee.

(2) A person shall not address the commission unless recognized by the chairperson. Upon recognition, the chairperson may state the amount of time allotted to the person recognized.

(3) A person may ask to be heard at a public hearing without having filed prior notice of appearance.

(4) The chairperson, or the chairperson's designee, may waive or modify the terms of this rule if necessary for a just disposition of a pending matter or to avoid hardship, and may make such waiver or modification as it deems necessary or appropriate to implement the purpose of the act.

R 123.54 Official notice.

Rule 54. The commission may take notice of facts and of a general, technical, or scientific nature within its specialized knowledge. The commission may use its experience, technical competence, and general and specialized knowledge in the evaluation of the information presented. This rule does not permit the commission to take notice of information contrary to any statute or other law.

R 123.55 Participation by department staff.

Rule 55. (1) The department's staff may appear in an adjudicative or administrative session or a public hearing and present information as to the results of its investigations, field studies, inspection and other technical investigations and studies. The department's staff may file reports, make statements of positions or otherwise make recommendations on the record which it believes proper and lawful, based on the information presented and the department staff's knowledge. Department staff presentations may include information by members of other governmental agencies either specific to the pending docket or providing relevant background information.

R 123.56 Additional information.

Rule 56. (1) During the 30 days immediately following a public hearing, the commission may receive additional or supplemental public hearing information including exhibits, written comments, statements, arguments, briefs, replies, or any other information that properly could have been presented at the public

hearing, including information derived from the specialized knowledge of the commission or department staff. When practicable, such information shall be in a format suitable for reproduction.

(2) A person wishing to be notified of the filing of additional information shall notify the department in writing. The department shall keep a list of the interested parties and notify each person on the list of all filings.

(3) All parties shall have 7 business days, from the sending of the notice of the filing in subrule (2) of this rule, to respond to any additional information presented under subrule (1) of this rule.

PART 6. POST-HEARING PROCEDURES

R 123.61 Disposition resolution; referendum.

Rule 61. (1) After a public hearing and consideration of the criteria in section 9 of the act, MCL 123.1009, the commission shall present findings of fact and conclusions of law at an adjudicative session. The commission shall by resolution recommend the director dispose of the docket by doing 1 of the following:

(a) Denying the docket.

(b) Approving the docket.

(c) Revising the boundaries as proposed in the petition or resolution and approve the docket with the revised boundaries.

(2) When the area approved for annexation contains a population of 100 or less, the director's order shall contain the effective date of the annexation.

(3) When the area approved for annexation contains a population of more than 100, the director's order becomes effective pursuant to the home rule city act unless a valid referendum election request petition is filed.

(4) When the area is approved for consolidation or incorporation, the director's order becomes effective pursuant to the act unless a valid referendum election request petition is filed.

R 123.62 Referendum election petition.

Rule 62. (1) If a valid referendum petition is filed pursuant to the act or the home rule city act to ask for an election on the proposed annexation, consolidation or incorporation, the commission shall adopt a resolution recommending that the director dispose of the request by ordering the question be placed on the ballot at some future date, or by setting the date of the special election.

(2) If an annexation referendum election is held and each area affected voting separately on the question approves the annexation by a majority vote, the commission shall adopt a resolution recommending the effective date of the annexation for the director's approval.

(3) If a referendum election is held on the question of incorporation and a majority of the electorate in the area proposed for incorporation approves, by majority vote, the incorporation, the director's order becomes final.

R 123.63 Lists of consolidation charter commission candidates.

Rule 63. Within 5 days after the deadline for filing nominating petitions for candidates for consolidation charter commissioners, the village, township, or city clerks shall transmit to the county clerk and the department a certified list of charter commission candidates.

R 123.64 Notice to charter commissioners.

Rule 64. Immediately after being notified of the canvass of a vote for charter commissioners, the department shall notify the elected charter commissioners in writing that they shall meet within 10 days

and furnish a certificate to be completed and returned by the charter commission certifying that it has met within the required 10 days.

R 123.65 Notice of final action.

Rule 65. (1) Upon the completion of all its actions on an active city or village annexation petition or resolution, a city or village council or township board shall notify the department in writing.

(2) Upon the completion of all action on an active incorporation or consolidation docket or a home rule city annexation docket under the jurisdiction of the commission, the department shall notify in writing the clerks of the involved local governments, the county clerk, and secretary of state that action on the docket is closed.

R 123.66 Rescinded.

R 123.67 Rescinded.

R 123.68 Rescinded.

R 123.69 Rescinded.

R 123.71 Rescinded.

R 123.72 Rescinded.

R 123.73 Rescinded.

R 123.74 Rescinded.

R 123.75 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the Secretary of State on May 30, 2013

These rules take effect 120 days after filing with Secretary of State

(By authority conferred on the director of the department of licensing and regulatory affairs by section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4 and 2011-4, MCL 445.2011, 445.2025 and 445.2030)

R 408.30901a, R 408.30906a, R 408.30910a, R 408.30912a, R 408.30915a, R 408.30918a, R 408.30923a, R 408.30927a, R 408.30928a, R 408.30935a, R 408.30945a, R 408.30946, R 408.30947, R 408.30948, and R 408.30995a of the Michigan Administrative Code are amended and R 408.30947a, R 408.30948a, and R 408.30996 are added to the code as follows:

PART 9A. MECHANICAL CODE

AMENDMENTS AND ADDITIONS TO BASIC MECHANICAL CODE

R 408.30901a International mechanical code; adoption by reference.

Rule 901a. The provisions of the international mechanical code, 2012 edition, except for sections 102.10, 102.11, 103.2, 103.4, 106.5.1 to 106.5.3, 107.2.5 to 107.2.5.3, 109.2 to 109.7, 1011 to 1011.2, 1101.10 and appendix B govern the construction, alteration, relocation, demolition, use, and occupancy of buildings and structures. With the exceptions noted, the code is adopted in these rules by reference. All references to the International Building Code, International Residential Code, International Energy Conservation Code, National Electrical Code, International Mechanical Code, and International Plumbing Code mean the Michigan Building Code, Michigan Residential Code, Michigan Uniform Energy Code, Michigan Electrical Code, Michigan Mechanical Code, and Michigan Plumbing Code respectively. The code is available for inspection at the Okemos office of the Michigan department of licensing and regulatory affairs, bureau of construction codes. The code may be purchased from the International Code Council, 500 New Jersey Avenue, N.W. 6th Floor, Washington, D.C. 20001, or from the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, at a cost as of the time of adoption of these rules of \$71.00 each.

R 408.30906a Work permit; submitting plans and specifications to authority.

Rule 906a. Sections 106.1, 106.2, 106.3, 106.3.1 106.4, 106.4.3 and 106.4.4 of the code are amended to read as follows:

106.1. Permits required. A contractor licensed under 1984 PA 192, MCL 338.971 to 338.988 who desires to erect, install, enlarge, alter, repair, remove, convert, or replace a mechanical system, the

installation of which is regulated by this code, or to cause such work to be done, shall first make application in accordance with the requirements of the act.

106.2. Permits not required. A person is not required to obtain a permit to perform mechanical work on any of the following items:

- (a) A portable heating or gas appliance that has inputs of less than 30,000 Btu's per hour.
- (b) Portable ventilation appliances and equipment.
- (c) A portable cooling unit.
- (d) Steam, hot water, or chilled water piping within any heating or cooling equipment or appliances regulated by the code.
- (e) The replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe.
- (f) A portable evaporative cooler.
- (g) Self-contained refrigeration systems that contain 10 pounds or less of refrigerant, or that are actuated by motors of 1 horsepower or less.
- (h) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- (i) An oil burner that does not require connection to a flue, such as an oil stove and a heater equipped with a wick.
- (j) A portable gas burner that has inputs of less than 30,000 Btu's per hour.
- (k) When changing or relocating a gas meter or regulator, a permit is not required when installing gas piping which shall be limited to 10 feet in length and not more than 6 fittings.
- (l) When installing geothermal vertical closed loops under the supervision of a mechanical contractor licensed in HVAC as long as the company meets both the following:
 - (1) Has obtained a certificate of registration as a well drilling contractor pursuant to part 127 of the public health code.
 - (2) Has installed the geothermal vertical closed loops in accordance with the department of environmental quality's best practices regarding geothermal heat pump closed loops.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or other laws or ordinances of this jurisdiction.

106.3 Application for permit. Each application for a permit, along with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The contractor who is performing the work shall sign the application. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain the information required by the act.

106.3.1 Construction documents. (1) Construction documents, engineering calculations, diagrams, and other data shall be submitted in 2 or more sets with each application for a permit. The code official shall require construction documents, computations, and specifications to be prepared and designed by a registered design professional in accordance with 1980 PA 299, MCL 339.101 to 339.2919.

Exceptions:

- 1. The code official may waive the submission of construction documents, calculations, or other data if the nature of the work applied for is such that reviewing of construction documents is not necessary to determine compliance with the code.
- 2. Construction documents shall not be required when obtaining a permit from the State of Michigan, bureau of construction codes for any of the following circumstance:
 - a. One-and 2-family dwellings when the heating or cooling input rating is 375,000 Btu's or less.
 - b. Alterations and repair work determined by the mechanical official to be of a minor nature.

c. Business, mercantile, and storage buildings having HVAC equipment only, with 1 fire area and not more than 3,500 square feet.

d. Work completed by a governmental subdivision or state agency costing less than \$15,000.00.

Bureau code officials may require construction documents in unusual designs and where questions arise as a result of a system design beyond conventional system parameters.

(2) Where special conditions exist, the code official may require additional construction documents to be prepared by a registered design professional.

(3) Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the work conforms to the provisions of this code.

(4) Construction documents for buildings more than 2 stories in height shall indicate where penetrations will be made for mechanical systems, and the materials and methods for maintaining required structural safety, fire-resistance rating, and fire blocking.

106.4. Permit issuance. The enforcing agency shall review the application, construction documents, and other data filed by an applicant for permit in accordance with the act. If the enforcing agency finds that the proposed work conforms to the requirements of the act, the code, and all other applicable laws and ordinances thereto, and that all fees prescribed by the act have been paid, then the enforcing agency shall issue a permit to the applicant.

106.4.3. Expiration. Each permit issued by the code official under the provisions of the code shall expire by limitation and become null and void if the work authorized by the permit is not begun within 180 days from the date of the permit, or if the work authorized by the permit is suspended or abandoned at any time after the work is begun for a period of 180 days. Before work is recommenced, the permit shall be reinstated if the code has not changed. If the code has changed and the work was not started, a new permit shall be first obtained, provided no changes have been made or will be made in the original construction document and that suspension or abandonment has not exceeded 1 year.

106.4.4. Extensions. A permittee holding an unexpired permit may apply for an extension of the time within which the permittee may begin work under that permit if for good and satisfactory reasons. The code official shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. No permit shall be extended more than once.

R 408.30910a Stop work orders.

Rule 910a. Section 108.5 of the code is amended to read as follows:

108.5. Stop work orders. Notice shall be in accordance with the act. A person who is served with a stop work order, except for work that a person is directed to perform to remove a violation or unsafe condition, is subject to the penalty provisions prescribed by the act.

R 408.30912a Enclosed parking garages.

Rule 912a. Section 404.1 of the code is amended to read as follows:

404.1. Enclosed parking garages. Mechanical ventilation systems for enclosed parking garages are not required to operate continuously where the system is arranged to operate automatically upon detection of carbon monoxide (CO) not to exceed 25 parts per million (ppm) and nitrogen dioxide (NO₂) not to exceed 3 ppm by approved automatic detection devices. Upon activation such systems shall operate for 30 minutes.

404.1.1 Testing. Testing of detection devices shall be per manufacturer's installation instructions. All detectors shall be calibrated per the manufacturer's instructions at an interval not to exceed 1 year.

R 408.30915a Scope of article; adoption by reference.

Rule 915a. Section 601.1 of the code is amended to read as follows:

601.1. The provisions of this article govern the construction, installation, alteration, maintenance, and repair of duct systems. Duct systems shall be in compliance with the provisions of the code, the provisions of NFPA 90A-2012 and NFPA 90B-2012, the standards of the national fire protection association, and the provisions of air conditioning contractors of America (ACCA) manual D-2009, manual J-2006, manual N-2009, and manual Q-1990, as listed in chapter 15.

R 408.30918a Registers, grilles, and diffusers.

Rule 918a. Section 603.18.2 of the code is amended to read as follows:

603.18.2. Prohibited locations. Diffusers, registers, and grilles shall be prohibited in the floor or its upward extension within toilet and bathing rooms required by the Michigan building code to have smooth, hard, nonabsorbent surfaces.

Exception: Dwelling units. Within dwelling units, floor registers may be located in a room or space containing water closets, but shall be located a minimum of 3 feet from the water closet.

R 408.30923a Equipment installation.

Rule 923a. Sections 301.10.1 is added to the code and section 309.1 of the code is amended to read as follows:

301.10.1. Electrical disconnect. The mechanical contractor shall ensure that all equipment have an electrical disconnect switch on, or immediately adjacent to, the equipment.

309.1. Occupiable space heating system. Interior spaces intended for human occupancy shall be provided with heating facilities capable of maintaining a minimum room temperature of 68 degrees Fahrenheit at a point 3 feet above the floor and 2 feet from exterior walls at the design temperature. The installation of portable space heaters shall not be used to achieve compliance with this section.

Exception: Interior spaces where the primary purpose is not associated with human comfort.

R 408.30927a Equipment and appliances on roofs or elevated structures.

Rule 927a. Section 306.5 of the code is amended to read as follows:

306.5 Equipment and appliances on roofs or elevated structures. Where equipment or appliances requiring access are located on an elevated structure or the roof of a building so that personnel will have to climb higher than 16 feet above grade to access this equipment or appliances, an interior or exterior means of access shall be provided. Such access shall not require climbing over obstructions greater than 30 inches high or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). Such access shall not require the use of portable ladders. Where access involves climbing over parapet walls, the height shall be measured to the top of the parapet wall.

Permanent ladders installed to provide the required access shall comply with all of the following minimum design criteria:

- (1) The side railing shall extend above the parapet or roof edge not less than 30 inches.
- (2) Ladders shall have rung spacing not to exceed 14 inches on center. The uppermost rung shall be a maximum of 24 inches below the upper edge of the roof hatch, roof, or parapet, as applicable.
- (3) Ladders shall have a toe spacing not less than 6 inches deep.
- (4) There shall be a minimum of 18 inches between rails.
- (5) Rungs shall have a minimum 0.75-inch diameter and be capable of withstanding a 300-pound load.
- (6) Ladders over 30 feet in height shall be provided with offset sections and landings capable of withstanding 100 pounds per square foot. Landing dimensions shall be not less than 18 inches and not less than the width of the ladder served. A guard rail shall be provided on all open sides of the landing.
- (7) Climbing clearance. The distance from the center line of the rungs to the nearest permanent object on the climbing side of the ladder shall be a minimum of 30 inches measured perpendicular to the rungs.

This distance shall be maintained from the point of ladder access to the bottom of the roof hatch. A minimum clear width of 15 inches shall be provided on both sides of the ladder measured from the midpoint of and parallel with the rungs, except where cages or wells are installed.

(8) Landing required. A ladder shall be provided with a clear and unobstructed bottom landing area having a minimum dimension of 30 inches by 30 inches centered in front of the ladder.

(9) Ladders shall be protected against corrosion by approved means.

(10) Access to ladders shall be provided at all times.

Catwalks installed to provide the required access shall be not less than 24 inches wide and shall have railings as required for service platforms.

Exception 1: An approved, permanent building mounted ladder receiver which prevents the ladder from sliding sideways off the building or slipping backward and meets the ladder safety standard of OSHA regulations (Standard - 29 CFR) Ladders. - 1926.1053 (b)(1) may be installed on buildings under 20 feet in height above grade to access such equipment or appliances.

Exception 2: This section shall not apply to group R-3 occupancies.

306.5.1 Sloped roofs. Where appliances are installed on a roof having a slope of 3 units vertical in 12 units horizontal or greater and having an edge more than 30 inches above grade at such edge, a level platform shall be provided on each side of the appliance to which the access is required for service, repair, or maintenance. The platform shall not be less than 30 inches in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter sphere, and shall comply with the loading requirements for guards specified in the Michigan building code. Access to appliances shall not require climbing over obstructions greater than 30 inches high or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal permanent ladders, or equivalent, shall be provided on both sides requiring access in accordance with the ladder requirements of section 306.5.

Exception: This section shall not apply to group R-3 occupancies.

R 408.30928a Solid fuel burning equipment.

Rule 928a. Sections 901.5, 929.0 and 929.1 are added to the code to read as follows:

901.5 Solid fuel burning equipment. Solid fuel burning equipment shall be listed and labeled in accordance with section 301.4, installed in accordance with the manufacturer's installation instructions, and NFPA 211-2010 requirements.

929.0 Solid fuel hydronic heaters.

929.1 Solid fuel hydronic heaters must be listed and labeled, or approved by the code official in accordance with the Michigan mechanical code section 105, or have certificate of acceptability issued by the Michigan construction code commission.

R 408.30935a Commercial kitchens; ventilation.

Rule 935a Sections 506.1, 506.3.6, 507.1, 507.2.2, and 507.9, of the code are amended and sections 507.16.1.1 is added to the code to read as follows:

506.1. Ventilation requirements for commercial kitchens. Commercial kitchen hood ventilation ducts and exhaust equipment shall be in compliance with NFPA-96-2011, the standard of the national fire protection association listed in chapter 15.

506.3.6 Grease duct clearances. Grease duct systems and exhaust equipment serving a type I hood shall have clearances to combustibles as required by NFPA 96-2011, as listed in chapter 15.

Exception: Listed and labeled factory-built commercial kitchen grease ducts and exhaust equipment installed in accordance with section 304.1 of the code.

507.1 General. Commercial kitchen exhaust hoods shall comply with the requirements of this section and NFPA 96-2011, as listed in chapter 15. Hoods shall be type I or type II and shall be designed to capture and confine cooking vapors and residues.

Exceptions:

1. Factory-built commercial exhaust hoods which are tested in accordance with UL 710-2007, as listed in chapter 15, listed, labeled, and installed in accordance with section 304.1 shall not be required to comply with sections 507.4, 507.7, 507.11, 507.12, 507.13, 507.14, and 507.15 of the code.

2. Factory-built commercial cooking recirculating systems which are tested in accordance with UL 710B-2011, as listed in chapter 15, listed, labeled, and installed in accordance with section 304.1 of the code shall not be required to comply with sections 507.4, 507.5, 507.7, 507.12, 507.13, 507.14, and 507.15 of the code. Spaces in which these systems are located shall be considered to be kitchens and shall be ventilated in accordance with table 403.3. For the purpose of determining the floor area required to be ventilated, each individual appliance shall be considered as occupying not less than 100 square feet.

3. Net exhaust volumes for hoods may be reduced during no-load cooking conditions, where engineered or listed multi-speed or variable-speed controls automatically operate the exhaust system to maintain capture and removal of cooking effluents as required. Reduced volumes shall not be below that required to maintain, capture, and remove effluents from the idle cooking appliances that are operating in a standby mode.

507.9. Clearances for type I hood. A type I hood shall be installed with clearances from combustibles as required by NFPA 96-2011 as listed in chapter 15.

507.16.1.1 Smoke test. The field test identified in section 507.16.1 of the code shall be conducted in accordance with the smoke testing procedures established by the bureau of construction codes, which are available at no cost from the bureau's web site at www.michigan.gov/bcc, or, from the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan, 48864.

R 408.30945a Ventilation; exhaust.

Rule 945a. Sections 501.3.1, 504.4, and 504.8 of the code are amended to read as follows:

501.2.1.1 Exhaust discharge. Exhaust air shall not be directed onto walkways. Exhaust openings shall not terminate within 3 feet of a ventilated section in a soffit.

504.4 Exhaust installation. Dryer exhaust ducts for clothes dryers shall terminate on the outside of the building, shall not terminate within 3 feet of a ventilated section in a soffit, and shall be equipped with a back draft damper. Screens shall not be installed at the duct termination. Ducts shall not be connected or installed with sheet metal screws or other fasteners that will obstruct the exhaust flow. Clothes dryer exhaust ducts shall not be connected to a vent connector, vent, or chimney. Clothes dryer exhaust ducts shall not extend into or pass through ducts or plenums.

504.8 Common exhaust systems for clothes dryers located in multistory structures. Where a common multistory duct system is designed and installed to convey exhaust from multiple clothes dryers, the system shall be engineered by a registered design professional and installed in accordance with the Michigan building codes.

R 408.30946 Alterations and repairs.

Rule 946. Section 1001.3 is added to the code to read as follows:

1001.3. Alterations and repairs to boilers shall be in accordance with the Michigan boiler act, 1965 PA 290, MCL 408.751 to MCL 408.776.

R 408.30947 Standards.

Rule 947. Section 1004.1 of the code is amended to read as follows:

1004.1. (1) Oil fired boilers and their control systems shall be listed and labeled in accordance with UL726-1995 (R2011).

(2) Gas fired boilers and their control systems shall be listed and labeled in accordance with ANSI Z21.13-2010 or UL795-2006.

(3) Electric boilers and their control systems shall be listed and labeled in accordance with UL834.

(4) Boilers shall be installed in accordance with the requirements of ASME CSD-1-2009 and as applicable constructed to ASME boiler and pressure vessel code, sections I or IV; as referenced in chapter 15.

(5) Boiler controls and safety devices shall be assembled, installed, maintained, and operated in accordance with ASME CSD-1.

(6) Solid-fuel-fired boilers shall be listed and labeled in accordance with UL 2523-2009.

R 408.30947a Boiler connections.

Rule 947a. Section 1005.1 of the code is amended to read as follows:

1005.1 Valves. Every boiler or modular boiler shall have a shutoff valve in the supply and return piping. For multiple boiler or multiple modular boiler installations, each boiler or modular boiler shall have individual shutoff valves in the supply and return piping.

Exception: Shutoff valves are not required in a system having a single low-pressure steam boiler. When a boiler is located above the system and can be drained without draining the system, stop valves may be eliminated.

R 408.30948 Boiler safety devices.

Rule 948. Section 1006.6.1 is added and 1006.7 of the code is amended to read as follows:

1006.6.1 Safety and safety relief inlets. The opening or connection between the boiler and any safety or safety relief valve shall have at least the area of the valve inlet.

1006.7. Boilers shall be equipped with controls and limit devices as required by ASME, CSD-1-2009 and the manufacturer's installation instructions and the conditions of the listing. All controls and safety devices shall be tested and maintained in accordance with ASME code CSD-1-2009.

R 408.30948a Gauges.

Rule 948a. Sections 1010.1 and 1010.2 are amended and 1010.1.2 of the code is added to read as follows:

1010.1 Hot water boiler gauges. Every hot water boiler shall have a pressure gauge and a temperature gauge, or a combination pressure and temperature gauge. The scale on the dial of the pressure or altitude gauge shall be not less than approximately 1-1/2 nor more than approximately 3-1/2 the pressure at which the safety relief valve is set.

1010.1.2 . Pressure and temperature gauge. A thermometer shall be installed and may be in combination with the pressure gauge. The thermometer shall at all times indicate the temperature of the water in the boiler or near the outlet.

1010.2 Steam boiler gauges. Every steam boiler shall have a water-gauge glass and a pressure gauge. The scale on the dial of the gauge shall be graduated to not less than 30 psi and not more than 60 psi.

R 408.30995a Automatic sprinkler systems generally.

Rule 995a. Sections 1600.0, 1600.1, and 1600.2 are added to the code to read as follows:

1600.0. Automatic sprinkler systems; fire suppression systems.

1600.1 Scope. The provisions of this article provide the minimum requirements for the design and installation of automatic sprinkler systems in all occupancies, except for 1- and 2-family dwellings.

1600.2. Installations. Installations shall be in compliance with the provisions of the code. Fire suppression systems shall be in compliance with the provisions of the building code and shall be installed in accordance with the code and NFPA-13-2010, NFPA-13D-2010, NFPA-13R-2010, and NFPA-24-2010, installation of sprinkler systems, installation of sprinkler systems in 1- and 2-family dwellings and manufactured homes, installation of sprinkler systems in residential occupancies up to 4 stories in height, and standards of the national fire protection association listed in chapter 15.

R 408.30996 Process piping.

Rule 996. Sections 1700.0 and 1700.1 are added to the code to read as follows:

1700.0. Process piping.

1700.1 Scope. The provisions of this chapter provide the minimum requirements for the design and installation of process piping systems pursuant to ASME B31.3-2010

1700.2 Process piping. Piping which is not part of a refrigeration system or part of a system designed to provide air conditioning. Process piping includes pipes which transfer chemicals and other fluids, gases, or vapors for systems other than air conditioning systems as covered by the Michigan mechanical code.

ADMINISTRATIVE RULES

DEPARTMENT OF TREASURY

COMMISSIONER OF THE BUREAU OF STATE LOTTERY

LOTTERY

Filed with the Secretary of State on May 30, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the commissioner of Bureau of State Lottery by section 11 of 1972 PA 239, MCL 432.11)

R 432.2, R 432.6 of the Michigan Administrative Code are amended as follows:

R 432.2 Employees.

Rule 2. (1) None of the individuals referred to in section 31 of the act may have any interest, direct or indirect, in dealing in the lottery or in the ownership or leasing of any property or premises used by or for the lottery.

(2) An individual or organization or employees of an organization under contract with the bureau is not eligible to win any prize in any lottery operated by the bureau during the period of the contract if the individual, organization, or employee has access to any of the following which is not open to the general public:

- (a) Bureau data.
- (b) Books and records.
- (c) Electronic data processing programs.
- (d) Systems designs.
- (e) Other information.

R 432.6 Conditions of licensing.

Rule 6. (1) Upon issuance of a license, the agent agrees that he or she shall do all of the following:

(a) Be bound by and comply with the act, these rules, or instructions and directives of the commissioner or bureau.

(b) Make tickets available for sale to the public during normal business hours.

(c) Refrain from purchasing any winning ticket from its original purchaser or from subsequent purchasers.

(d) Maintain authorized displays, notions, drop boxes, and other material used in conjunction with sales in accordance with instructions issued by the bureau.

(e) Act in a fiduciary capacity with respect to all tickets accepted from the bureau or its authorized distributors until payment has been made.

(f) Maintain current and accurate records of all operations in conjunction with sales in conformity with rules, instructions, and directives of the bureau. The agent shall make the records available to representatives of the bureau upon request for inspection and audit.

(g) Ensure that a person under 18 years of age does not sell tickets or pay winning tickets.

(h) Ensure that tickets will not be sold at any price greater than the price stated on the ticket.

(i) Hold the bureau and the state harmless from any liability arising in connection with sales.

(j) Remit funds due for lottery sales and other amounts owing to the bureau at the time and in the manner specified by the bureau.

(2) Subrule (1)(b) of this rule shall not apply to retailers who are considered “exempt from taxation” under Section 501(c) of the Internal Revenue Code, 26 U.S.C. §1 et seq., but only to the extent such retailers are restricted from making lottery sales to the general public as a condition of maintaining their status as “exempt from taxation.”

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on May 20, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.16211, R 408.16222, R 408.16227, and R 408.16236 of the Michigan Administrative Code are amended and R 408.16217 of the Code is rescinded as follows:

PART 62. PLASTIC MOLDING

R 408.16211 Employer responsibilities

Rule 6211. (1) An employer shall provide training to an employee regarding the operating procedures, hazards, and safeguards of any assigned job.

(2) An employer shall not allow a machine to be operated which is not guarded as prescribed by this part or where the machine has a known defect which could affect the safety of an employee.

R 408.16217 Rescinded.

R 408.16222 Devices, guards, and protective equipment

Rule 6222. (1) An electrical connection to a heated portion of a ram or screw cylinder shall be covered with a nonconducting guard or a grounded metal barrier to prevent contact with live terminals during normal operation of the machine.

(2) An exposed heated surface which could cause an injury shall be covered or guarded to prevent contact by an employee. This subrule does not apply to an area that requires accessibility, such as the adapter or grate on an extrusion machine.

(3) A machine that uses a blade or knife to cut plastic materials shall be guarded by a barrier, by position, or by a device to prevent contact between the operator and the machine.

R 408.16227 Lubrication and maintenance

Rule 6227. (1) Lubrication of a machine shall be accomplished by 1 of the following:

(a) Manually when the machine can be shut off and locked out.

(b) An automatic pressure or gravity feed system.

- (c) An extension pipe leading to an area outside of the guards or away from any hazard.
- (2) Except as permitted in R 408.16234(10), each employee doing the work shall lock out the power source of the machine or equipment to be repaired or serviced if unexpected motion would cause injury. Any residual pressure which would be hazardous shall be relieved before and remain relieved during work by an employee doing the work.

R 408.16236 Vacuum and thermoforming

Rule 6236. (1) An in-line automatic vacuum forming or trim press that is used to form or die cut vacuum-formed pieces shall have the point of operation and all moving parts guarded that would otherwise be exposed to contact.

(2) A trim machine that uses a moving roll to supply pressure to the top die shall be provided with devices that are designed to keep both hands of the operator from the point of operation when the die closes.

(3) Toggles on an automatic vacuum or thermoforming press shall be guarded by a barrier to prevent access to the pinch point.

(4) A rotary vacuum forming machine shall be equipped with a 2-hand control device that is located and timed as prescribed by the provisions of R 408.16225(1)(b) and R 408.16226(7).

(5) Where a hazard exists due to movement or heating, the area below the level of the lower mold on a vacuum forming machine shall be guarded.

(6) An indexing machine shall be equipped with a stop control, such as a paddle switch, that is interlocked to stop the indexing operation. The stop control shall be located ahead of the first point of operation or pinch point beyond the work station.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

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These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a (6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of Act No. 154 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.17211, R 408.17212, R 408.17213, R 408.17222, R 408.17225, R 408.17236, and R 408.17251 of the Michigan Administrative Code are amended and R 408.17227 of the Code is rescinded as follows:

PART 72. AUTOMOTIVE SERVICE OPERATIONS

R 408.17211 Employer responsibility.

Rule 7211. An employer shall do all of the following:

- (a) Provide training to an employee as to the hazards, safe operations of the assigned job, and applicable rules of this part.
- (b) Assure that job required tools, equipment, and the work area are maintained in a manner free of recognized hazards which would cause an injury.
- (c) Prohibit smoking, flames and sparks within 15 feet of where Class I flammable liquids are dispensed or used, unless separated by an approved wall. "No Smoking" signs shall be posted in these restricted areas.
- (d) Not circumvent, bypass, or make inoperative any safeguard unless required during servicing. The safeguard shall be replaced before resuming operation of the equipment.

R 408.17212 Employee responsibility.

Rule 7212. An employee shall do all of the following:

- (a) Use tools and equipment only when authorized and trained in their use.
- (b) Report employers' defective tools and equipment and hazardous conditions, when detected, to the supervisor.
- (c) Maintain all personal tools, equipment, and work area in a manner to prevent a hazardous condition.
- (d) Not use any device emitting air or other material in a manner which may inject a foreign material into a human body part.
- (e) Use tools and equipment within their rated capacity.

R 408.17213 Personal protective equipment.

Rule 7213. (1) An employer shall provide and an employee shall wear eye protection in accordance with and as prescribed in the general industry safety standards commission standard, Part 33. Personal Protective Equipment, R 408.13301 to R 408.13398 of the Michigan Administrative Code.

(2) Other personal protective equipment including, but not limited to, rubber gloves, aprons, boots, welding helmets and respirators shall be provided by the employer and worn by the employee to protect against the hazards of wet operations, welding and cutting, radiator cleaning, battery charging, and spray painting.

(3) Where corrosive liquids or other liquid materials that would be harmful to an employee are normally used and where an employee is exposed to splash of the materials, a readily accessible means of flushing with water shall be provided.

(4) Cloth shoes, open sandals, and exposed rings and necklaces shall not be worn in the work area. A ring may be worn if covered by gloves or tape.

R 408.17222 Machinery and equipment installation.

Rule 7222. (1) Electrically powered machinery or equipment, other than double insulated equipment, shall be grounded.

(2) Nonportable machinery or equipment shall be secured to the floor, platform, table, or bench to prevent displacement or tipping.

(3) Machinery or equipment shall be equipped with a disconnect switch which shall be locked in the off position, unless the machinery or equipment is equipped with a plug-in cord which shall be disconnected and tagged, when the machinery or equipment is repaired or serviced if unexpected motion would cause injury.

(4) Machinery and equipment equipped with a foot control shall be provided with a cover or guard to prevent unintentional operation of the machinery or equipment where such operation would cause injury. The cover or guard shall be capable of withstanding a static load of 200 pounds without permanent deformation. The edges of the cover of the guard shall be rolled, broad, or covered to prevent injury or discomfort due to contact by the operator's foot or leg.

R 408.17225 Flammables, painting and coating

Rule 7225. (1) A Class I flammable solvent stored inside a building shall be in an approved safety can with an automatic closing cap and flame arrestor or original unopened container having a capacity of not more than 5 gallons. Quantities in excess of 5 gallons shall be stored as prescribed by flammable liquid regulations of the fire marshal promulgated under 1941 PA 207.

(2) When pouring a flammable solvent from 1 container to another, continuous contact between the containers shall be maintained or a bonding or grounding strap shall connect the containers.

(3) A Class I flammable solvent shall not be used for cleaning tools, parts, floors, or booths.

(4) When a flammable liquid is removed from a vehicle tank, an approved pumping device equipped with a ground strap shall be used.

R 408.17227 Rescinded.

R 408.17236 Multi-piece rim wheels.

Rule 7236. (1) Wheel components shall not be interchanged except as permitted pursuant to the publication entitled "Multi-piece Rim/Wheel Matching Chart" or any other publication containing, at a minimum, the same instructions, safety precautions, and information as the charts identified in subrule (2) of this rule.

(2) The publications entitled “Multi-piece Rim/Wheel Matching Chart” and “Safety Precautions for Mounting and Demounting Tube/Type Truck Tires,” as revised January 1978, which are hereby incorporated in these rules by reference, shall be accessible and available in the service area. These publications are available from the United States Department of Labor, Occupational Safety and Health Administration, 315 West Allegan, room 315, Lansing, Michigan, 48917, or via the internet at website www.osha.gov, at no charge as of the time of adoption of these rules. These publications are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(3) Mating surfaces of the rim gutter ring shall be free of any dirt, surface rust, scale, or rubber buildup before mounting and inflation.

(4) A tire shall be completely deflated by removal of the valve core before a wheel is removed from the axle in either of the following situations:

(a) When the tire has been driven underinflated at 80% or less of its recommended pressure.

(b) When there is obvious or suspected damage to the tire or wheel components.

(5) Tires shall be inflated only when constrained by a restraining device, except when the wheel assembly is on a vehicle. Tires may be inflated without being constrained by a restraining device if remote control inflation equipment is used and no employees remain in the trajectory path during inflation in either of the following situations:

(a) Tires are underinflated, but have more than 80% of the recommended pressure.

(b) Tires are known not to have been run underinflated.

(6) When a tire is being partially inflated without a restraining device for the purpose of seating the lock ring or to round out the tube, such inflation shall not exceed 3 psig (0.21 Kg/cm).

(7) After tire inflation, the tire rim and rings shall be inspected while still constrained in the restraining device to assure they are properly seated and locked.

R 408.17251 Automotive lift; adoption by reference; auxiliary support device; permanent tag; lifting more than rated capacity prohibited.

Rule 7251. (1) An automotive lift installed, or the modification made, after the effective date of ~~in~~ this subrule, shall be as prescribed in sections 2, 3, and 5, except paragraph 5.7, of the ANSI Standard, B153.1-1974, Safety Requirements for the Construction, Care and Use of Automotive Lifts, which is incorporated herein by reference and may be inspected at the Lansing office of the department of licensing and regulatory affairs. This standard may be purchased at a cost of \$20.00 from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: <http://global.ihs.com>.

(2) When an employee is required to work underneath a vehicle supported by a hydraulic lift, installed before the effective date of this part, the lift shall be used only when an auxiliary support device is engaged and capable of supporting the rated capacity of the lift.

(3) An automotive lift purchased after December 28, 1974, shall have affixed to it a permanent tag showing the name of the manufacturer, model number, serial number, and rated capacity.

(4) An automotive lift purchased before December 28, 1974, shall be equipped with a permanent tag showing the name of the manufacturer and its rated capacity. Where this information is not available, an outside source knowledgeable in automotive lifts shall be used to determine the rated capacity. The capacity shall be permanently labeled on the lift.

(5) An automotive lift shall not be used to lift more than its rated capacity.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

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(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-18 2003-1, 2008-4, and 2011-4, MCL 408.1016, 408.1021, 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.14507, R 408.14521, and R 408.14555 of the Michigan Administrative Code are amended, and R 408.14535 is rescinded, as follows

PART 45. DIE CASTING

R 408.14507 Employer responsibility.

Rule 4507. (1) An employer shall provide training to an employee regarding the operating procedures, hazards, and safeguards of any assigned job.

(2) An employer shall not allow a machine to be operated which is not guarded as prescribed by this part or where the machine has a known defect which would affect the safety of an employee.

R 408.14521 Machine installation.

Rule 4521. A machine shall be so located that there will be space for the employee to handle the material and operate the machine without interference to or from other employees or machines.

R 408.14535 Rescinded.

R 408.14555 Sprue cutting machines.

Rule 4555. A sprue cutting machine shall be equipped with a point of operation guard or point of operation device as prescribed in the general industry safety standard, Part 23. 'Hydraulic Power Presses,' R 408.12301 to R 408.12371 of the Michigan Administrative Code.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

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(By authority conferred on the director of the department of licensing and regulatory affairs by sections 14 and 24 of 1974 PA 154, MCL 408.1014 and 408.1024; and Executive Reorganization Orders Nos. 1996-1, 1996-2, 2003-1, 2008-4, AND 2011-4, MCL 330.3101, 445.2001, 445.2011, 445.2025 AND 445.2030)

R 325.51851, R 325.51852, R 325.51854, R 325.51856, R 325.51859, R 325.51860, R 325.51862, R 325.51863, R 325.51865, R 325.51866, R 325.51867, R 325.51868, R 325.51869, R 325.51873, R 325.51874, R 325.51879, R 325.51880, R 325.51881, and R 325.51883 of the Michigan Administrative Code are amended, R 325.51851a and R 325.51878a are added, and R 325.51885 and R 325.51886 are rescinded, as follows:

PART 309. CADMIUM

R 325.51851 Scope and application.

Rule 1. (1) These rules apply to all occupational exposures to cadmium and cadmium compounds in all forms and in all industries and employment situations, including the construction industry, except as provided in subrule (2) of this rule.

(2) Some of these rules and subrules of these rules apply only to the construction industry or to general industry and agricultural operations, as indicated in the rules and subrules. If a specific application is not indicated in a rule or subrule, then the rule or subrule applies to general industry, agricultural operations, and the construction industry.

(3) The rule replaces all references to cadmium contained in Occupational Health Standards Part 301 "Air Contaminants for General Industry" and Part 601 "Air Contaminants for Construction," as referenced in R 325.51851a.

R 325.51851a MIOSHA standards by reference.

Rule 1a. (1) The following Michigan occupational safety and health administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of licensing and regulatory affairs, MIOSHA standards section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

- (a) Administrative Part 11 “Recording and Reporting of Occupational Injuries and Illnesses,” R 408.22101 to R 408.22162.
 - (b) Construction Safety Standard Part 1 “General Rules,” R 408.40101 to R 408.40134.
 - (c) General Industry Safety Standard Part 1 “General Provisions,” R 408.10001 to R 408.10098.
 - (d) General Industry Safety Standard Part 33 “Personal Protective Equipment,” R 408.13301 to R 408.13398.
 - (e) Occupational Health Standard Part 301 “Air Contaminants for General Industry,” R 325.51101 to R 325.51108.
 - (f) Occupational Health Part 430 “Hazard Communication,” R 325.77001 to R 325.77003.
 - (g) Occupational Health Part 451 “Respiratory Protection,” R 325.60051 to R 325.60052.
 - (h) Occupational Health Part 470 “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.
 - (i) Occupational Health Part 520 “Ventilation Control,” R 325.52001 to R 325.52012.
 - (j) Occupational Health Part 601 “Air Contaminants for Construction,” R 325.60151 to R 325.60161.
 - (k) Occupational Health Part 621 “Health Hazard Control for Specific Equipment and Operations for Construction,” R 325.62102 to R 325.62126.
- (2) Appendices, except where portions of Appendices A, B, D, E, and F to this rule are expressly incorporated in requirements of this rule, are purely informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

R 325.51852 Definitions.

Rule 2. As used in these rules:

- (a) “Action level” (AL) means an airborne concentration of cadmium of 2.5 micrograms per cubic meter of air (2.5 µg/ m³), calculated as an 8-hour, time-weighted average (TWA).
- (b) “Authorized person” means a person who is authorized by an employer, and who is required by work duties, to be present in a regulated area, or a person who is authorized under 1974 PA 154, MCL 408.1001 to 408.1094, and regulations issued under 1974 PA 154 to be in a regulated area for the purpose of conducting an authorized investigation.
- (c) “Competent person” means a person who is designated by an employer to act on the employer’s behalf, who is capable of identifying existing and potential cadmium hazards in the workplace and the proper methods to control the hazards to protect workers, and who has the authority necessary to take prompt corrective measures to eliminate or control such hazards. See R 325.51884 for the duties of a competent person.
- (d) “Construction industry” means employers whose operations involve the construction, alteration, maintenance, repair, and demolition of a facility. Construction work includes any of the following:
 - (i) The wrecking, demolition, or salvage of structures where cadmium or materials that contain cadmium are present.
 - (ii) The use of cadmium-containing paints and cutting, brazing, burning, grinding, or welding on surfaces that are painted with cadmium-containing paints.
 - (iii) The construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof that contain cadmium or materials that contain cadmium.
 - (iv) Cadmium welding or cutting of cadmium-plated steel and brazing or welding with cadmium alloys.
 - (v) The installation of products that contain cadmium.
 - (vi) Electrical grounding with cadmium welding and electrical work using cadmium-coated conduit.
 - (vii) Maintaining or retrofitting cadmium-coated equipment.
 - (viii) Cadmium contamination cleanup and emergency operations that involve cadmium.

(ix) The transportation, disposal, storage, or containment of cadmium or materials, that contain cadmium on the site or location at which construction activities are performed.

(e) “Director” means the director of the Michigan department of licensing and regulatory affairs or his or her designee.

(f) “Employee exposure” means the exposure to airborne cadmium that would occur if the employee were not using respiratory protective equipment.

(g) “Final medical determination” means the written medical opinion of the employee’s health status by the examining physician under R 325.51870 to R 325.51876, and R 325.51877 if the review is by more than 1 physician, or R 325.51877(5) if the alternative physician determination is invoked. It is the final, written medical finding, recommendation, or determination that emerges from the medical surveillance process.

(h) “High-efficiency particulate air (HEPA) filter” means a filter that is capable of trapping and retaining not less than 99.97% of mono-dispersed particles that are 0.3 micrometers in diameter.

(i) “Regulated area” means an area which is demarcated by an employer and in which an employee’s exposure to airborne concentrations of cadmium exceeds, or can reasonably be expected to exceed, the permissible exposure limit (PEL).

R 325.51854 Exposure monitoring generally.

Rule 4. (1) This subrule applies only to construction. Before performing ~~of~~ any construction work where employees may potentially be exposed to cadmium, an employer shall establish the applicability of these rules by determining whether cadmium is present in the workplace and whether there is the possibility that employee exposures will be at or above the action level. An employer shall designate a competent person to make this determination. The employers shall use appropriate investigation and material testing techniques in making the determination. An investigation shall include all of the following:

- (a) A review of relevant plans.
- (b) A review of past reports relative to cadmium.
- (c) Safety data sheets.
- (d) Other available records.
- (e) Consultations with the property owner.
- (f) Discussions with appropriate individuals and agencies.

(2) An employer whose workplace or work operation involves cadmium in any way shall determine if any employee may be exposed to cadmium at or above the action level. An employer shall identify which employees potentially are exposed to cadmium at or above the action level and shall conduct exposure monitoring to determine what the exposure levels are.

(3) Determinations of employee exposure shall be made from breathing zone air samples that reflect the monitored employee’s regular, daily 8-hour TWA exposure to cadmium.

(4) Eight-hour TWA exposures shall be determined for each employee on the basis of 1 or more personal breathing zone air samples that reflect a full shift of exposure on each shift, for each job classification, in each work area. Where several employees perform the same job tasks, in the same job classification, on the same shift, and in the same work area and the length, duration, and level of cadmium exposures are similar, an employer may sample a representative fraction of the employees instead of all of the employees to meet this requirement. In representative sampling, an employer shall sample the employee who is expected to have the highest cadmium exposures.

(5) An employer shall use a method of monitoring and analysis that has an accuracy of not less than plus or minus 25%, with a confidence level of 95%, for airborne concentrations of cadmium at or above the action level, the permissible exposure limit (PEL), and the separate engineering control air limit (SECAL).

R 325.51856 Employee notification of monitoring results.

Rule 6. (1) Not later than 15 working days for general industry and agricultural operations and not later than 5 working days for the construction industry, after an employer receives the results of any exposure monitoring that is performed pursuant to the provisions of these rules, an employer shall notify each affected employee individually in writing, or by posting the results, in an appropriate location that is accessible to all affected employees.

(2) If monitoring results indicate that employee exposure exceeds the PEL, then an employer shall include, in the written notice, a statement that the PEL has been exceeded and a description of the corrective action that is being taken by the employer to reduce employee exposure to or below the PEL.

R 325.51859 Engineering and work practice controls; applicability of rule to construction industry.

Rule 9. (1) This rule applies only to the construction industry. Except as specified in subrule (2) of this rule, an employer shall implement engineering and work practice controls to reduce and maintain employee exposure to cadmium at or below the PEL, unless, and to the extent that, the employer can demonstrate that the controls are not feasible.

(2) The requirement to implement engineering controls to achieve the PEL does not apply if an employer can demonstrate both of the following:

(a) The employee is only intermittently exposed.

(b) The employee is not exposed above the PEL on 30 or more days per 12-consecutive-month period.

(3) If engineering and work practice controls are not sufficient to reduce employee exposure at or below the PEL, an employer nonetheless shall implement the controls to reduce exposures to the lowest levels achievable. The employer shall supplement the controls with respiratory protection that is in compliance with R 325.51862 and the PEL.

(4) An employer shall not use employee rotation as a method of compliance.

(5) All of the following provisions apply to the specific operations indicated:

(a) Abrasive blasting of cadmium or cadmium-containing materials shall be conducted in a manner that will provide adequate protection for employees.

(b) Welding, cutting, and other forms of heating cadmium or cadmium-containing materials shall be conducted in accordance with Occupational Health Standard Part 621 “Health Hazard Control for Specific Equipment and Operations for Construction,” as referenced in R 325.51851a, where applicable.

(c) High-speed abrasive disc saws and similar abrasive power equipment that are ~~is~~ used for work on cadmium or cadmium-containing materials shall be equipped with appropriate engineering controls to minimize emissions to levels below the PEL.

(d) Materials that contain cadmium shall not be applied by spray methods if resulting exposures are above the PEL, unless employees are protected with supplied-air respirators which have full facepieces, hoods, helmets, and suits and which are operated in a positive pressure mode and, in addition, measures are instituted to limit overspray to prevent contamination of adjacent areas.

R 325.51860 Use of mechanical ventilation to control exposure to cadmium.

Rule 10. (1) If ventilation is used to control cadmium exposure, measurements that demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure, shall be made as necessary to ensure the ventilation system’s effectiveness.

(2) Measurements of the system’s effectiveness in controlling exposure shall be made as necessary within 5 working days of any change in production, process, or control that might result in a significant increase in employee exposure to cadmium.

(3) If air from exhaust ventilation is recirculated into the workplace, the system shall have a high-efficiency filter and be monitored to ensure effectiveness. Recirculation of local exhaust air shall be in

compliance with Occupational Health Standard Part 520 “Ventilation Control,” as referenced in R 325.51851a.

(4) Procedures shall be developed and implemented to minimize employee exposure to cadmium when maintenance is performed on the ventilation systems and when filters are changed.

R 325.51862 Respiratory protection; circumstances for use; selection.

Rule 12. (1) For employees who use respirators required by this rule, the employer shall provide each employee an appropriate respirator that complies with the requirements of this rule. Respirators must be used during all of the following:

(a) Periods necessary to install or implement feasible engineering and work practice controls when employee exposures exceeds the PEL.

(b) Maintenance and repair activities and brief or intermittent work operations for which employee exposures exceed the PEL and engineering and work practice controls are not feasible or are not required.

(c) Work operations in the regulated areas specified in R 325.51857.

(d) Work operations for which the employer has implemented all feasible engineering and work practice controls and such controls are not sufficient to reduce exposures to or below the PEL.

(e) Emergencies.

(f) Work operations for which an employee who is exposed to cadmium at or above the action level requests a respirator.

(g) Work operations for which engineering controls are not required by R 325.51859(2) to reduce employee exposures that exceed the PEL.

(2) The employer shall do all of the following:

(a) Select, and provide to employees, the appropriate respirators specified in paragraph (d)(3)(i)(A) of Occupational Health Standard Part 451 “Respiratory Protection,” as referenced in R 325.51851a.

(b) Provide employees with full facepiece respirators when they experience eye irritation.

(c) Provide HEPA filters for powered and non-powered air-purifying respirators.

(3) An employer shall provide a powered, air-purifying respirator (PAPR) in place of a negative pressure respirator if an employee who is entitled to a respirator chooses to use this type of respirator and if a PAPR respirator will provide adequate protection to the employee.

R 325.51863 Respiratory protection program; fit testing.

Rule 13. (1) The employer shall implement a respiratory protection program in accordance with Occupational Health Standard Part 451 “Respiratory Protection,” Rules 1910.134(b) to (d) and (f) to (m), except for (d)(1)(iii), as referenced in R 325.51851a, which covers each employee required by this rule to use a respirator.

(2) If an employee exhibits breathing difficulty during fit testing or respirator use, then the employer shall provide the employee with a medical examination under R 325.51868(2)(d) to determine if the employee can use a respirator while performing the required duties.

(3) An employee shall not use a respirator when, based on his or her most recent medical examination, the examining physician determines that the employee will be unable to continue to function normally while using a respirator. If the physician determines the employee must be limited in, or removed from, the employee’s current job because of the employee’s inability to use a respirator, then the employer shall conduct the job limitation or removal under R 325.51875 and R 325.51876.

R 325.51865 Protective work clothing and equipment.

Rule 15. (1) If an employee is exposed to airborne cadmium above the PEL or if skin or eye irritation is associated with cadmium exposure at any level, then an employer shall provide, at no cost to the employee, and ensure that the employee uses, appropriate protective work clothing and equipment that prevents contamination of the employee and the employee's garments. Protective work clothing and equipment includes all of the following:

(a) Coveralls or similar full-body work clothing.

(b) Gloves, head coverings, and boots or foot coverings.

(c) Face shields, vented goggles, or other appropriate protective equipment that is in compliance with General Industry Standard Part 33 "Personal Protective Equipment," as referenced in R 325.51851a.

(2) All of the following provisions pertain to the removal and storage of protective work clothing and equipment:

(a) An employer shall ensure that employees remove all protective clothing and equipment that is contaminated with cadmium at the completion of the work shift and that employees do so only in change rooms that are provided in accordance with R 325.51866(2).

(b) An employer shall ensure that an employee does not take cadmium-contaminated protective clothing or equipment from the workplace, except for employees who are authorized to do so for purposes of laundering, cleaning, maintaining, or disposing of cadmium-contaminated protective clothing and equipment at an appropriate location or facility away from the workplace.

(c) An employer shall ensure that contaminated protective clothing and equipment, when removed for laundering, cleaning, maintenance, or disposal, is placed and stored in sealed, impermeable bags or other closed, impermeable containers that are designed to prevent the dispersion of cadmium dust.

(d) An employer shall assure that bags or containers of contaminated protective clothing and equipment that are to be taken out of the change rooms or the workplace for laundering, cleaning, maintenance, or disposal bear labels in accordance with R 325.51879.

(3) All of the following provisions pertain to the cleaning, replacement, and disposal of protective clothing and equipment:

(a) An employer shall provide the protective clothing and equipment required by subrule (1) of this rule in a clean and dry condition as often as necessary to maintain its effectiveness, but at least weekly. An employer is responsible for cleaning and laundering the protective clothing and equipment required by this rule to maintain its effectiveness and is also responsible for disposing of the clothing and equipment.

(b) An employer is responsible for repairing or replacing required protective clothing and equipment as needed to maintain its effectiveness. An employer shall ensure that rips or tears, which are detected while an employee is working are immediately mended or the worksuit shall be immediately replaced.

(c) An employer shall prohibit the removal of cadmium from protective clothing and equipment by blowing, shaking, or any other means that disperses cadmium into the air.

(d) An employer shall ensure that any laundering of contaminated clothing or cleaning of contaminated equipment in the workplace is done in a manner that prevents the release of airborne cadmium in excess of the PEL.

(e) An employer shall inform any person who launders or cleans protective clothing or equipment contaminated with cadmium of the potentially harmful effects of exposure to cadmium and that the clothing and equipment should be laundered or cleaned in a manner to effectively prevent the release of airborne cadmium in excess of the PEL.

R 325.51866 Hygiene areas and practices.

Rule 16. (1) An employer shall provide clean change rooms, handwashing facilities, showers, and lunchroom facilities that are in compliance with General Industry Standard Part 1 "General Provisions,"

or Construction Safety Standard Part 1 “General Rules,” as referenced in R 325.51851a, for employees whose airborne exposure to cadmium is above the PEL.

(2) An employer shall ensure that change rooms are equipped with separate storage facilities for street clothes and for protective clothing and equipment which are designed to prevent the dispersion of cadmium and contamination of the employee’s street clothes.

(3) Both of the following provisions pertain to showers and handwashing facilities:

(a) An employer shall ensure that employees who are exposed to cadmium above the PEL shower during the end of the work shift.

(b) An employer shall ensure that employees whose airborne exposure to cadmium is above the PEL wash their hands and faces before eating, drinking, smoking, chewing tobacco or gum, or applying cosmetics.

(4) Both of the following provisions pertain to lunchroom facilities:

(a) An employer shall ensure that lunchroom facilities are readily accessible to employees, that tables for eating are maintained free of cadmium, and that no employee in a lunchroom facility is exposed at any time to cadmium at or above a concentration of 2.5 µg/m³.

(b) An employer shall ensure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface cadmium has been removed from the clothing and equipment by HEPA filter vacuuming or some other method that removes cadmium dust without dispersing it.

R 325.51867 Housekeeping.

Rule 17. An employer shall comply with all of the appropriate following requirements pertaining to housekeeping:

(a) All surfaces shall be maintained as free as practical of the accumulation of cadmium.

(b) All spills and sudden releases of material that contains cadmium shall be cleaned up as soon as possible.

(c) Surfaces that are contaminated with cadmium shall, where possible, be cleaned by vacuuming or other method that minimizes the likelihood of cadmium becoming airborne.

(d) HEPA filter vacuuming equipment or equally effective filtration methods shall be used for vacuuming. The equipment shall be used and emptied in a manner that minimizes the reentry of cadmium into the workplace.

(e) Shoveling or dry or wet sweeping and brushing may be used only if vacuuming or other methods that minimize the likelihood of cadmium becoming airborne have been tried and found to be ineffective.

(f) Compressed air shall not be used to remove cadmium from any surface unless the compressed air is used in conjunction with a ventilation system that is designed to capture the dust cloud created by the compressed air.

(g) Waste scrap, debris, bags, containers, personal protective equipment, and clothing which are contaminated with cadmium and which are consigned for disposal shall be collected and disposed of in sealed impermeable bags or other closed, impermeable containers. The bags and containers shall be labeled in accordance with R 325.51878a and R 325.51879.

R 325.51868 Medical surveillance generally; applicability of subrules (1) and (2)

Rule 18. (1) This subrule applies only to general industry and agricultural operations. An employer shall institute a medical surveillance program as follows:

(a) For all employees who are or may be exposed to cadmium at or above the action level, unless the employer can demonstrate that the employee is not, and will not be, exposed at or above the action level on 30 or more days during a 12-consecutive-month period.

(b) For all employees who, before September 16, 1993, might previously have been exposed to cadmium at or above the action level by the employer, unless the employer can demonstrate that the

employee, before September 16, 1993, did not work for the employer in jobs with exposure to cadmium for an aggregated total of more than 60 months.

(c) To determine an employee's fitness for wearing a respirator, an employer shall provide the limited medical examination specified by R 325.51873(1) and (2).

(2) This subrule applies only to the construction industry. An employer shall institute a medical surveillance program as follows:

(a) For all employees who are or may be exposed at or above the action level.

(b) For all employees who perform any of the following tasks, operations, or jobs:

(i) Electrical grounding with cadmium welding.

(ii) Cutting, brazing, burning, grinding, or welding on surfaces that are painted with cadmium containing paints.

(iii) Electrical work using cadmium-coated conduit.

(iv) Use of cadmium-containing paints.

(v) Cutting and welding cadmium-plated steel.

(vi) Brazing or welding with cadmium alloys.

(vii) Fusing of reinforced steel by cadmium welding.

(viii) Maintaining or retrofitting cadmium-coated equipment.

(ix) Wrecking and demolition where cadmium is present.

(c) For all employees who previously might have been exposed to cadmium by the employer before September 16, 1993, in tasks listed in subdivision (b) of this subrule, unless the employer can demonstrate that the employee, in the years before September 16, 1993, did not work in those tasks for the employer with exposure to cadmium for an aggregated total of more than 12 months.

(d) To determine an employee's fitness for wearing a respirator, an employer shall provide the limited medical examination specified by R 325.51873(1) and (2).

(e) A medical surveillance program is not required if an employer can demonstrate that both of the following provisions apply:

(i) An employee is not currently exposed by the employer to airborne concentrations of cadmium at or above the action level on 30 or more days during a 12-consecutive-month period.

(ii) An employee is not currently exposed by the employer in those tasks listed in subdivision (b) of this subrule on 30 or more days during a 12-consecutive-month period.

(3) An employer shall ensure that all medical examinations and procedures that are required by these rules are performed by or under the supervision of a licensed physician who has read, and is familiar with, all of the following:

(a) The health effects section of appendix A.

(b) The regulatory text of these rules.

(c) The protocol for sample handling and laboratory selection in appendix F.

(d) The questionnaire in appendix D. All medical surveillance, examinations, tests, and procedures shall be provided without cost to the employee and at a time and place that is reasonable and convenient for employees.

(4) An employer shall ensure that the collection and handling of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (β_2 -M) taken from employees is done in a manner that ensures the integrity and reliability of the samples and that analysis of the samples is performed in laboratories that have a demonstrated proficiency for the particular analyte. See appendix F.

R 325.51869 Initial medical examination.

Rule 19. (1) An employer shall provide an initial medical examination to all employees who are covered by the medical surveillance program required pursuant to R 325.51868(1) or (2). The

examination shall be provided to covered employees within 30 days after initial assignment to a job with exposure to cadmium or not later than 90 days after September 16, 1993, whichever date is later.

(2) The initial medical examination shall include both of the following elements:

(a) A detailed medical and work history, with an emphasis on all of the following:

(i) Past, present, and anticipated future exposure to cadmium.

(ii) Any history of renal, cardiovascular, respiratory, hematopoietic, reproductive, or musculoskeletal system dysfunction.

(iii) Current use of medication that has potential nephrotoxic side effects.

(iv) Smoking history and current status.

(b) Biological monitoring that includes all of the following tests:

(i) Cadmium in urine (CdU), standardized to grams of creatinine (g Cr).

(ii) Beta-2 microglobulin in urine (B2-M), standardized to grams of creatinine (g Cr) with Ph specified, as described in appendix F.

(iii) Cadmium in blood (CdB), standardized to liters of whole blood (lwb).

(3) An initial medical examination is not required to be provided if adequate records show that an employee has been examined in accordance with the requirements of subrule (2) of this rule within the past 12 months. If an employee has been examined in accordance with the requirements of subrule (2) of this rule within the past 12 months, the records shall be maintained as part of the employee's medical record and the exam shall be treated as if it were an initial medical examination for the purposes of R 325.51870 and R 325.51871.

R 325.51873 Medical exams for fitness to use respirators, for exposure due to emergency, and at termination.

Rule 23. (1) To determine an employee's fitness for respirator use, an employer shall provide a medical examination that includes the elements specified in this subrule. The examination shall be provided before an employee is assigned to a job that requires the use of a respirator or not more than 90 days after September 16, 1993, whichever date is later, to any employee who has not had a medical examination within the preceding 12 months that satisfies the requirements of this subrule. The medical exam shall include all of the following:

(a) A detailed medical and work history, or update thereof, with an emphasis on all of the following:

(i) Past exposure to cadmium.

(ii) Smoking history and current status.

(iii) Any history of renal, cardiovascular, respiratory, hematopoietic, or musculo-skeletal system dysfunction.

(iv) A description of the job for which the respirator is required.

(v) Answers to questions 3-11 and 25-32 in appendix D to these rules.

(b) A blood pressure test.

(c) Biological monitoring of the employee's levels of CdU, CdB, and β 2-M in accordance with the requirements of R 325.51869(2)(b), unless the results have been obtained within the previous 12 months.

(d) Any other test or procedure that the examining physician deems appropriate.

(2) All of the following provisions pertain to the medical examination for respirator use:

(a) After reviewing all of the information obtained from the medical examination required in subrule (1) of this rule, the physician shall determine whether the employee is fit to wear a respirator.

(b) If an employee has exhibited difficulty in breathing during a respirator fit test or during use of a respirator, an employer shall provide the employee, as soon as possible, with a periodic medical examination in accordance with R 325.51871(2) to determine the employee's fitness to wear a respirator.

(c) If the results of the examination required by subrule (1) of this rule or subdivision (a) or (b) of this subrule are abnormal, the medical limitation or prohibition of respirator use shall be considered. If the employee is allowed to wear a respirator, the employee's ability to continue to do so shall be periodically evaluated by a physician.

(3) In addition to the medical surveillance required by R 325.51869 to R 325.51873(2), an employer shall provide a medical examination, as soon as possible, to any employee who may have been acutely exposed to cadmium because of an emergency. The examination shall include the information required pursuant to R 325.51871(2), with an emphasis on the respiratory system, other organ systems considered appropriate by the examining physician, and symptoms of acute overexposure, as reviewed in appendix A to these rules.

(4) At termination of employment, an employer shall provide a medical examination in accordance with R 325.51871(2), including a chest X ray where necessary, to any employee to whom, at any prior time, an employer was required to provide medical surveillance pursuant to R 325.51868(1) or subrule (3) of this rule. However, if the last examination satisfied the requirements of R 325.51871(2) and was less than 6 months before the date of termination, then another examination is not required unless otherwise specified by R 325.51870 or R 325.51872(1) or (2). If the employer has discontinued all periodic medical surveillance as provided by the provisions of R 325.51871(4), the termination of employment medical examination is not required.

R 325.51874 Providing of information to physician by employer; employer required to obtain medical opinion; employer required to obtain results of biological monitoring; findings unrelated to cadmium exposure.

Rule 24. (1) An employer shall provide all of the following information to an examining physician:

- (a) A copy of these rules and appendices.
- (b) A description of an affected employee's former, current, and anticipated duties as they relate to the employee's occupational exposure to cadmium.
- (c) An employee's former, current, and anticipated future levels of occupational exposure to cadmium.
- (d) A description of any personal protective equipment, including respirators, that were used or are to be used by the employee, including the date of use and the length of time that the employee has used that equipment.
- (e) The results of previous biological monitoring and medical examinations that are relevant to the employee.

(2) An employer shall promptly obtain a written medical opinion from the examining physician for each medical examination performed on each employee. The written opinion shall contain all of the following information:

- (a) The physician's diagnosis for the employee.
- (b) The physician's opinion as to whether the employee has any detected medical condition that would place the employee at an increased risk of material impairment to health from further exposure to cadmium, including any indications of potential cadmium toxicity.
- (c) The results of any biological or other testing or related evaluations that directly assess the employee's absorption of cadmium.
- (d) Any recommended removal from, or limitation on, the activities or duties of the employee or on the employee's use of personal protective equipment including respirators.
- (e) A statement that the physician has clearly and carefully explained to the employee the results of the medical examination, including all biological monitoring results and any medical conditions related to cadmium exposure that require further evaluation or treatment, and any limitation on the employee's diet or use of medications.

(3) An employer promptly shall obtain a copy of the results of any biological monitoring that is provided to an employee by requirements other than those of a medical examination required by R 325.51869 and R 325.51871 and, if there is no written medical opinion, shall obtain an explanation sheet explaining the results.

(4) An employer shall instruct the physician not to reveal orally or in the written medical opinion that is given to the employer specific findings or diagnoses unrelated to an occupational exposure to cadmium.

R 325.51878a Hazard communication--general.

Rule 28a. (1) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Occupational Health Standard Part 430 “Hazard Communication,” as referenced in R 325.51851a, for cadmium.

(2) In classifying the hazards of cadmium, at least the following hazards are to be addressed:

(a) Cancer.

(b) Lung effects.

(c) Kidney effects.

(d) Acute toxicity effects.

(3) Employers shall include cadmium in the hazard communication program established to comply with the requirements of the Occupational Health Standard Part 430 “Hazard Communication.” Employers shall ensure that each employee has access to labels on containers of cadmium and to safety data sheets, and is trained in accordance with R 325.51880 and Occupational Health Standard Part 430 “Hazard Communication,” as referenced in R 325.51851a.

R 325.51879 Communication of cadmium hazards to employees.

Rule 29. (1) An employer shall provide warning signs and display them in regulated areas. In addition, warning signs shall be posted at all approaches to regulated areas so that an employee may read the signs and take the necessary protective steps before entering the regulated area.

(2) Warning signs required by subrule (1) of this rule, shall bear the following legend:

DANGER CADMIUM MAY CAUSE CANCER CAUSES DAMAGE TO LUNGS AND KIDNEYS WEAR RESPIRATORY PROTECTION IN THIS AREA AUTHORIZED PERSONNEL ONLY

(3) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subrule (2) of this rule.

DANGER CADMIUM CANCER HAZARD CAN CAUSE LUNG AND KIDNEY DISEASE AUTHORIZED PERSONNEL ONLY RESPIRATORS REQUIRED IN THIS AREA

(4) An employer shall ensure that warning signs that are required by this subrule are illuminated, cleaned, and maintained as necessary so that the legend is readily visible.

(5) An employer shall ensure that all shipping and storage containers that contain cadmium, or cadmium compounds, shall bear appropriate warning labels as specified in R 408.51878a.

(6) The warning labels for containers of cadmium-contaminated protective clothing, equipment, waste, scrap, or debris shall include at least the following information:

DANGER CONTAINS CADMIUM MAY CAUSE CANCER CAUSES DAMAGE TO LUNGS AND KIDNEYS AVOID CREATING DUST

(7) Prior to June 1, 2015, employers may include the following information on shipping and storage containers containing cadmium, cadmium compounds, or cadmium contaminated clothing, equipment, waste, scrap, or debris in lieu of the labeling requirements specified in R 408.51878a and subrule (2) of this rule:

DANGER CONTAINS CADMIUM CANCER HAZARD AVOID CREATING DUST CAN CAUSE LUNG AND KIDNEY DISEASE

(8) Where feasible, installed cadmium products shall have a visible label or other indication that cadmium is present.

R 325.51880 Employee information and training.

Rule 30. (1) An employer shall train each employee who is potentially exposed to cadmium in accordance with this rule. The employer shall institute a training program, ensure employee participation in the program, and maintain a record of the contents of the program. Employee training shall be provided before or at the time of initial assignment to a job that involves potential exposure to cadmium and at least annually thereafter.

(2) An employer shall make the training program understandable to the employee and shall ensure that each employee is informed of all of the following:

(a) The health hazards associated with cadmium exposure, with special attention to the type of information provided in appendix A.

(b) The quantity, location, manner of use, release, and storage of cadmium in the workplace and the specific nature of operations that could result in exposure to cadmium, especially exposure above the PEL.

(c) The engineering controls and work practices associated with the employee's job assignment.

(d) The measures employees can take to protect themselves from exposure to cadmium, including modification of smoking and personal hygiene habits, and the specific procedures the employer has implemented to protect employees from exposure to cadmium, such as appropriate work practices, emergency procedures, and the provision of personal protective equipment.

(e) The purpose, proper selection, fitting, proper use, and limitations of respirators and protective clothing.

(f) The purpose and a description of the medical surveillance program required pursuant to R 325.51868 to R 325.51878.

(g) The contents of these rules and the appendices to these rules.

(h) The employee's right of access to records as provided by Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets," as referenced in R 325.51851a. R 325

(3) An employer shall make a copy of these rules and the appendices to these rules readily available without cost to all affected employees and shall provide a copy if requested. Also, an employer shall provide to the director, upon request, all materials relating to the employee information and training program.

(4) This subrule applies only to the construction industry. In a multiemployer workplace, an employer who produces, uses, or stores cadmium in a manner that may expose employees of other employers to cadmium shall notify the other employers of the potential hazards in accordance with -Occupational Health Standard Part 430 "Hazard Communication," for general industry or the construction industry, as referenced in R 325.51851a.

R 325.51881 Recordkeeping.

Rule 31. (1) All of the following provisions pertain to records of exposure monitoring:

(a) An employer shall establish and keep accurate records of all air monitoring for cadmium in the workplace.

(b) Air monitoring records shall include, at a minimum, all of the following information:

(i) The monitoring date, shift, duration, and results in terms of an 8-hour TWA of each sample taken and, if cadmium is not detected, the detection level.

(ii) The name, social security number, and job classification of all employees who are monitored and of all other employees whose exposures the monitoring result is intended to represent, including, if applicable, a description of the justification that monitoring results of 1 employee can represent other employees' exposures.

(iii) A description of the sampling and analytical methods used and evidence of their accuracy.

(iv) The type of respiratory protective device, if any, worn by the monitored employee and by any other employee whose exposure the monitoring result is intended to represent.

(v) A notation of any other conditions that might have affected the monitoring results.

(vi) Any exposure monitoring or objective data that were used and the exposure levels obtained. The provisions of this paragraph apply only to the construction industry.

(c) An employer shall maintain these records for not less than 30 years as set in accordance with Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets," as referenced in R 325.51851a. R 325

(d) This subdivision applies only to the construction industry. An employer shall provide a copy of the results of an employee's air monitoring prescribed in R 325.51854 and R 325.51855 to an industry trade association and to the employee's union, if any. If neither the association nor the union exists, monitoring results shall be furnished to another comparable organization which is competent to maintain such records and which is reasonably accessible to employers and employees in the industry.

(2) This subrule applies to objective data used to exempt an employer from the requirements to perform initial monitoring as provided in R 325.51855(3). For the purposes of these rules, "objective data" means information which demonstrates that a particular product or material that contains cadmium, or a specific process, operation, or activity that involves cadmium, cannot release dust or fumes in concentrations at or above the action level even under the worst-case release conditions. Objective data can be obtained from an industry-wide study or from laboratory product testing results for manufacturers of cadmium containing products or materials. The data the employer uses from an industry-wide survey shall be obtained under workplace conditions closely resembling the processes,

types of material, control methods, work practices, and environmental conditions in the employer's current operations. An employer shall establish and maintain a record of the objective data for not less than 30 years.

(3) All of the following provisions pertain to medical surveillance records:

(a) An employer shall establish and maintain an accurate record for each employee covered by the medical surveillance requirements of R 325.51868(1) or (2).

(b) The medical surveillance records shall include, at a minimum, all of the following information about the employee:

(i) Name, social security number, and description of duties.

(ii) A copy of the physician's written opinions and an explanation sheet for biological monitoring results.

(iii) A copy of the medical history, the results of any physical examination, and all test results that are required to be provided by these rules, including biological tests, X-rays, pulmonary function tests, and tests that have been obtained to further evaluate any condition that might be related to cadmium exposure.

(iv) The employee's medical symptoms that might be related to exposure to cadmium.

(v) A copy of the information that is provided to the physician as required by R 325.51874(1)(b) to (e).

(c) An employer shall ensure that medical records are maintained for the duration of employment plus 30 years as specified by Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets," as referenced in R 325.51851a. R 325

(4) All of the following provisions pertain to the availability and transfer of records:

(a) Except as otherwise provided for in these rules, access to all records that are required to be maintained by this rule shall be in compliance with Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets," as referenced in R 325.51851a. R 325

(b) Within 15 days after a request, an employer shall make an employee's medical records that are required to be kept pursuant to subrule (3) of this rule available for examination and copying to the subject employee, to a designated representative, or to anyone who has the specific written consent of the subject employee and, after the employee's death or incapacitation, to the employee's family members.

(c) When an employer ceases to do business and there is no successor employer to receive and retain records for the prescribed period or the employer intends to dispose of any records that are required to be preserved for not less than 30 years, then the employer shall comply with the requirements concerning the transfer of records set forth in Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets," as referenced in R 325.51851a. R 325

(5) An employer shall ensure that any abnormal condition or disorder that is caused by occupational exposure to cadmium in the workplace is properly recorded in injury and illness records pursuant to Administrative Standard Part 11 "Recording and Reporting of Occupational Injuries and Illnesses," as referenced in R 325.51851a.

R 325.51883. Compliance dates.

Rule 33. The rules that apply to general industry and agricultural operations shall commence on September 16, 1993, except as follows:

(a) Except for small businesses that have 19 or fewer employees, initial monitoring that is required by R 325.51855 shall be completed as soon as possible, but not later than 60 days after September 16, 1993. For small businesses, initial monitoring shall be completed as soon as possible, but not later than 120 days after September 16, 1993.

(b) Except for small businesses that have 19 or fewer employees, regulated areas that are required by R 325.51857 shall be established as soon as possible after the results of exposure monitoring are known, but not later than 90 days after September 16, 1993. For small businesses, required regulated areas shall be established as soon as possible after the results of exposure monitoring are known, but not later than September 16, 1993.

(c) Except for small businesses that have 19 or fewer employees, respiratory protection that is required by R 325.51862 and R 325.51863 shall be provided as soon as possible, but not later than 90 days after September 16, 1993. For small businesses, respiratory protection shall be provided as soon as possible, but not later than 150 days after September 16, 1993.

(d) Written compliance programs that are required by R 325.51858(7) shall be completed and available for inspection and copying as soon as possible, but not later than 1 year after September 16, 1993.

(e) The engineering controls that are required by R 325.51858(1) to (6) shall be implemented as soon as possible, but not later than 2 years after September 16, 1993. Work practice controls shall be implemented as soon as possible. Work practice controls that are directly related to engineering controls to be implemented in accordance with the compliance plan shall be implemented as soon as possible after the engineering controls are implemented.

(f) Permanent or temporary hand-washing facilities shall be provided as soon as possible, but not later than 60 days after September 16, 1993.

(g) Change rooms, showers, and lunchroom facilities shall be provided as soon as possible, but not later than 1 year after September 16, 1993.

(h) Except for small businesses that have 19 or fewer employees, the employee information and training that is required by R 325.51880 shall be provided as soon as possible, but not later than 90 days after September 16, 1993. For small businesses, employee information and training shall be provided as soon as possible, but not later than 180 days after September 16, 1993.

(i) Except for small businesses that have 19 or fewer employees, initial medical examinations that are required by R 325.51869 shall be provided as soon as possible, but not later than 90 days after September 16, 1993. For small businesses, initial medical examinations shall be provided as soon as possible, but not later than 180 days after September 16, 1993.

R 325.51885 Rescinded.

R 325.51886 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on May 29, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.11119 and R 408.11121 of the Michigan Administrative Code are rescinded as follows:

PART 11. POLISHING, BUFFING & ABRADING

R 408.11119 Rescinded.

R 408.11121 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State May 29, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.11807, R 408.11844, R 408.11851 and R 408.11859 of the Michigan Administrative Code are amended as follows:

PART 18. OVERHEAD AND GANTRY CRANES

R 408.11807 Adoption of standards by reference.

Rule 1807. The following standards specified in this rule, except for the standards specified in subrule (2) of this rule, are adopted by reference:-

(a) The following standards are available from Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at web-site: <http://global.ihs.com>, at a cost as of the time of adoption of these amendments, as stated in this subdivision:

(i) American National Standard Institute Standard ANSI/ASME B30.2, for "Overhead and Gantry Cranes (Top Running Bridge, Single or Multiple Girder, Top Running Trolley Hoist)", 1996 edition. Cost: \$60.00.

(ii) American National Standards Institute Standard ANSI/ASME B30.2.0, for "Overhead and Gantry Cranes," 1967 edition. Cost: \$60.00.

(iii) American National Standards Institute Standard ANSI/ASME B30.17, for "Overhead and Gantry Cranes (Top Running Bridge, Single Girder, Underhung Hoist)," 1998 edition. Cost: \$60.00.

These standards are also available for inspection at, and purchase from, the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909-8143.

(2) Up to 5 copies of the following Michigan Occupational Safety Standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48908-8143 or via the internet at web-

site: www.michigan.gov/mioshastandards; however for quantities greater than 5, the cost is 4 cents per page:

- (a) General Industry Safety Standard Part 2. “Floor and Wall Openings, Stairways and Skylights,” R 408.10201 to R 408.10241.
- (b) General Industry Safety Standard Part 3. “Fixed Ladders,” R 408.10301 to R 408.0372.
- (c) General Industry Safety Standard Part 7. “Guards for Power Transmission,” R 408.10701 to R 408.10765.
- (d) General Industry Safety Standard Part 33. “Personal Protective Equipment,” R 408.13301 to R 408.13398.
- (e) General Industry Safety Standard Part 39. “Design Safety Standards for Electrical Systems,” R 408.13901 to R 408.13902.
- (f) General Industry Safety Standard Part 40. “Electrical Safety-related Work Practices”, R 408.14001 to R 408.14009.
- (g) General Industry Safety Standard Part 49. “Slings,” R 408.14901 to R 408.14965.
- (h) General Industry Safety Standard Part 85. “Lockout/Tagout,” R 408.18501 to R 408.18599.
- (i) Construction Safety Standard Part 10. “Lifting and Digging Equipment,” R 408.41001a to R 408.41099a.

R 408.11844 Equipment.

Rule 1844. (1) Electrical equipment shall be located or enclosed so that live parts will not be exposed to accidental contact under normal operating conditions.

(2) Electric equipment shall be protected from dirt, grease, oil, and moisture.

(3) Guards for live parts shall be substantial and located so that they cannot be accidentally deformed to make contact with live parts.

(4) Enclosures for resistors shall have openings to provide adequate ventilation and shall be installed to prevent the accumulation of combustible matter too near to hot parts. Resistor units shall be supported to be free as possible from vibration.

(5) The power supply to the runway conductors shall be controlled by a switch or circuit breaker which is located on a fixed structure, which is accessible from the floor, and which is capable of being locked in the open position. A switch or circuit breaker which is of the enclosed type and which is capable of being locked in the open position shall be provided in the leads from the runway conductors on a cab-operated crane. A means of opening the switch or circuit shall be located within reach of the operator. A switch or circuit breaker which is of the enclosed type and which is capable of being locked in the open position shall be provided in the leads from the runway conductors on a floor-operated crane. The disconnect shall be mounted on the bridge or footwalks near the runway conductors. One of the following types of floor-operated disconnects shall be provided:

(i) Nonconductive rope attached to the main switch.

(ii) An under-voltage trip for the main circuit breaker operated by an emergency stop button in the pendant push button in the pendant pushbutton station.

(iii) A main line contactor operated by a switch or pushbutton in the pendant pushbutton station.

(6) A crane using a lifting magnet shall have a separate magnet circuit switch which is of the enclosed type and which is capable of being locked in the open position. Means for discharging the inductive load of the magnet shall be provided.

(7) Runway conductors of the open type mounted on the crane runway beams or overhead shall be located or guarded so that persons entering or leaving the cab or crane footwalk will not come into contact with them. On the effective date of this rule, open type conductors shall not be installed on cab-operated runway beams.

(8) When a service receptacle for an extension lamp is provided in the cab or on the bridge of a cab-operated crane, it shall be a grounded 3-prong type permanent receptacle and shall not be more than 300 volts.

R 408.11851 Qualifications.

Rule 1851. An employer shall be able to demonstrate that an employee is trained and qualified to operate a crane prior to authorizing the employee to operate a crane.

R 408.11859 Personal protective equipment.

Rule 1859. (1) An operator and an employee directing a lift shall use the personal protective devices required in the area.

(2) If the top of the load is not lifted to a height of more than 5 feet, then the load is not considered an overhead hazard.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on May 29, 2013

These rules take effect 15 days after filing with the Secretary of State

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.12111, R 408.12151, R 408.12155, and R 408.12163 of the Michigan Administrative Code are amended as follows:

PART 21. POWERED INDUSTRIAL TRUCKS

R 408.12111. Adoption of standards.

Rule 2111. (1) The following standards are adopted by reference in these rules and are available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: <http://global.ihs.com>; at a cost as of the time of adoption of these rules, as stated in this rule.

(2) A powered industrial truck manufactured after January 15, 1971, but before 1993, shall be certified by the manufacturer that the truck covered by this part has been produced according to the mandatory requirements of sections 3 and 4, except subsection 421 of section 4, of the ANSI standard B56.1-1969 "Safety Standards For Powered Industrial Trucks." Cost: \$60.00.

(3) A low lift or high lift truck manufactured after the effective date of this part shall be in compliance with the requirements of the ANSI standard B56.1-1993 "Safety Standard For Low Lift And High Lift Trucks," except as noted in subrule (1) of this rule. Cost: \$61.00.

(4) A rough terrain fork lift truck manufactured after the effective date of this part shall be in compliance with the requirements of ANSI standard B56.6-1992 "Rough Terrain Fork Lift Trucks." Cost: \$68.00.

(5) A industrial crane truck manufactured after the effective date of this part shall be in compliance with ANSI standard B56.7-1987 "Safety Standard For Industrial Crane Trucks." Cost: \$60.00.

(6) A tow tractor manufactured after the effective date of this part shall be in compliance with ANSI standard B56.9-1992 "Operator Controlled Industrial Tow Tractors." Cost: \$56.00.

(7) A manually propelled high lift industrial truck manufactured after the effective date of this part shall be in compliance with ANSI standard B56.10-1992 "Manually Propelled High Lift Industrial Trucks." Cost: \$105.00.

(8) The standards adopted in subrules (2) to (7) of this rule are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143.

R 408.12151. Operator selection.

Rule 2151. An employer shall be able to demonstrate that an employee is trained and qualified to operate a powered industrial truck prior to authorizing the employee to operate a powered industrial truck.

R 408.12155. Restriction of use.

Rule 2155. (1) A powered industrial truck used in an environment containing the following substances shall be equipped as prescribed in the National Fire Protection Association standard, 505-1996, "Type Designations, Areas Of Use, Conversions, Maintenance, And Operation Of Powered Industrial Trucks," incorporated herein by reference:

(a) Gases or vapors, such as but not limited to acetylene, hydrogen, oxygen, ether, gasoline, naphtha, or acetone, which may be present in quantities sufficient to produce an explosive or ignitable mixture.

(b) Combustible mixtures of dusts such as, but not limited to, metal dust, coal dust, coke dust, grain dust, flour dust, or organic dust.

(c) Ignitable fibres such as, but not limited to, baled waste, cocoa fibre, cotton, excelsior, kapok, or oakum.

(2) The standard is available for inspection at the Lansing office of the Department of Licensing and Regulatory Affairs. This standard may be purchased from the National Fire Protection Association, 11 Tracy Drive, Avon, Massachusetts, 02322, telephone number: 1-800-344-3555 and web-site www.nfpa.org, at a cost as of the time of adoption of this rule of \$27.00, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909.

R 408.12163. Fuel.

Rule 2163. (1) An employer shall provide safety fuel cans where trucks are refueled with gasoline at other than a gas pump area.

(2) An employer shall provide a special area for refueling that is not less than 25 feet from a source of open flame or spark and the area shall be posted to this effect.

(3) Use and storage of LP gas shall be as specified by 29 C.F.R. '1910.110, "Storage And Handling Of Liquefied Petroleum Gases," which was adopted by reference in General Industry Safety Standard Part 56 "Storage And Handling Of Liquefied Petroleum Gases," R 408.15601 et seq. This standard is available from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909.

(4) Handling and storage of fuel, such as gasoline and diesel fuel, shall be as prescribed by 29 C.F.R. '1910.106, "Flammable And Combustible Liquids," which was adopted by reference in General Industry Safety Standard Part 75 "Flammable And Combustible Liquids," R 408.17501 et seq. This standard is available from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909.

(5) Smoking while refueling is prohibited.

(6) Fuel level shall not be checked by use of an open flame.

ADMINISTRATIVE RULES

DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

FOOD AND DAIRY DIVISION

REGULATION NO. 502. GRADING, LABELING, AND MARKETING OF TOMATOES

Filed with the Secretary of State on May 20, 2013

These rules become effective 7 days after filing with the Secretary of State.

(By authority of Act No. 91 of the Public Acts of 1915, as amended, being S285.31 et seq. of the Michigan Compiled Laws)

R 285.502.1 of the Michigan Administrative Code is rescinded, as follows:

R 285.502.1 Rescinded.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF NATURAL RESOURCES

PARKS AND RECREATION DIVISION

RECREATION PASSPORT

Proposed Draft May 29, 2013

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of natural resources by section 74120 of 1994 PA 451, MCL 324.74120, and Executive Reorganization Order Nos. 1991-22 and 2009-31 and 2011-01, MCL 299.13, 324.99919, and 324.99921)

R 324.91 Definitions.

Rule 1. (1) As used in these rules:

(a) “Boating access site” means a state-operated public boating access site so designated by the department.

(b) “Department” means the department of natural resources.

(2) Terms not defined in these rules shall have the meanings customarily assigned to them.

R 324.92 Purpose; intent.

Rule 2. (1) The purpose of these rules is to provide a method for an individual to pay a boating access site and state park recreation passport fee other than the method provided in section 805 of the Michigan vehicle code, 1949 PA 300, MCL 257.805.

(2) The rules are intended to provide for the consistent application of the fee for entry to a designated boating access site and state park.

R 324.93 Recreation passport; resident motor vehicle; fee required; method of purchase.

Rule 3. (1) The department shall require a fee and issue a recreation passport for a resident motor vehicle for entry to a boating access site or state park. The fee for a recreation passport for a resident motor vehicle issued at a boating access site or state park in 2014 and thereafter shall be designated by the department within the limits authorized by MCL 324.74120 and MCL 257.805.

(2) A recreation passport issued to a resident motor vehicle shall be affixed to the motor vehicle and valid for entry to all Michigan boating access sites and state parks.

(3) A recreation passport issued to a resident motor vehicle shall be valid only for the registration period of the resident motor vehicle to which issued.

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

The Michigan Department of Natural Resources will hold a public hearing to receive comments on proposed administrative rules promulgated pursuant to section 74120 of 1994 PA 451, MCL 74120. The public hearing will be held Thursday, July 18, 2013, at the Michigan Historical Center, 702 W. Kalamazoo Street, Lansing, MI 48909. An informational session will start at 7:00 p.m., followed by the public hearing at 7:30 p.m.

A copy of the proposed rules (ORR 2011-009 NR) may be accessed from the Michigan Office of Regulatory Reinvention web site at <http://www.michigan.gov/orr> and may also be obtained by contacting Regulatory Affairs Officer, Office of Legal Services, Michigan Department of Natural Resources, PO Box 30028, Lansing, MI 48909, Telephone: 517-241-2328, FAX: 517-241-2986, or klontl@michigan.gov.

This notice of public hearing is given in accordance with Section 41 and 42 of Michigan's Administrative Procedures Act, 1969 PA 306, as amended, [MCL 24.241 and 24.242]. These rules will become effective immediately upon filing with the Secretary of State.

All interested persons are invited to attend and present their views. Statements should be submitted in writing for the hearing record. For those unable to attend, written statements may also be submitted to: Regulatory Affairs Officer, Office of Legal Services, Michigan Department of Natural Resources, PO Box 30028, Lansing, MI 48909, or klontl@michigan.gov. All statements must be received by 5:00 p.m., on July 19, 2013. Persons with disabilities requesting accommodations for effective participation in the meeting should call 517-241-0341, or email to munsond@michigan.gov, 7 days prior to the meeting date to request mobility, visual, hearing, or other assistance.

PROPOSED ADMINISTRATIVE RULES

**DEPARTMENT OF ~~LABOR & ECONOMIC GROWTH~~ LICENSING AND REGULATORY
AFFAIRS**

DIRECTOR'S OFFICE

ELEVATORS

Proposed April 25, 2013

Filed with the Secretary of State

These rules take effect 30 days after filing with Secretary of State

(By authority conferred on the director of the department of ~~labor and economic growth~~ **licensing and regulatory affairs** by section 8 of 1967 PA 227, MCL 408.808 and **section 3** of 1976 PA 333, **MCL 338.2153**, Executive Reorganization Order Nos. 1996-2 and 2003.1, **2008-4 and 2011-4**, ~~MCL 408.808 and MCL 445.2001, 445.2011, 445.2025, and 445.2030~~)

R 408.7001, R 408.7002, R 408.7003, R 408.7011, R 408.7019, R 408.7020, R 408.7021, R 408.7023, R 408.7024, R 408.7025, R 408.7026, R 408.7029, R 408.7030, R 408.7032, R 408.7034, R 408.7041, R 408.7051, R 408.7052, R 408.7055, R 408.7056, R 408.7058, R 408.7059, R 408.7059a, R 408.7060, R 408.7069, and R 408.7071 of the Michigan Administrative Code are amended, and R 408.7023a, R 408.7023b, R 408.7031a, R 408.7055a, and R 408.7060a of the Code are added, and R 408.7035, R 408.7036, R 408.7037, R 408.7040, R 408.7044, R 408.7050, R 408.7063, R 408.7064, R 408.7065, R 408.7066a, and R 408.7067 of the code are rescinded as follows:

CHAPTER 1. GENERAL PROVISIONS

R 408.7001 Scope.

Rule 1. These rules establish administrative and operational procedures for implementation of ~~the act~~ **the elevator safety act of 1967 and shall be known as the Michigan elevator rules**. The rules establish, for protection of the general public, minimum safety requirements for inspection, construction, installation, alteration, maintenance, repair, and operation of elevators.

R 408.7002 Definitions.

Rule 2. (1) As used in these rules:

(a) "Act" means **elevator safety board**, 1967 PA 227, MCL 408.801 ~~et seq. to 408.824 and known as the elevator safety board act~~.

(b) "Belt manlift" means a power-driven endless belt which has steps and handholds and which is used to transport persons in a vertical direction through successive floors or levels of a building or structure.

(c) "Department" means the department of ~~labor & economic growth~~ **licensing and regulatory affairs**.

(d) "Electrical-powered, 1-man elevator" means an elevator that has a car platform area of not more than 5 square feet, a rated load of not more than 300 pounds, and a rated speed of not more than 100 feet

per minute. It is for the exclusive use of certain designated operating and maintenance employees and is installed in any of the following structures:

- (i) A grain or feed mill.
 - (ii) A chemical or alcohol distillery.
 - (iii) A cement storage tower.
 - (iv) A radio tower.
 - (v) A similar structure that is not accessible to the general public.
 - (e) "Examination" means a survey of the design and construction of elevators or elevator equipment by a dealer in elevators or elevator equipment or an approved insurance company.
 - (f) "Hand-powered, 1-man elevator" means an elevator which has a car platform area of not more than 5 square feet, which has a rated load of not more than 300 pounds, and which is operated from the car only by pulling on a stationary rope that is located in the hoistway and passing through or adjacent to the car platform. The elevator is for the exclusive use of certain designated operating and maintenance employees and is installed in a grain or feed mill or a similar structure that is not accessible to the general public.
 - (g) "Inspection" means the official determination by a general inspector of the condition of all parts of equipment on which the safe operation of an elevator depends.
 - (h) "Private residence **elevator**" means any elevating device installed in or at a private residence or installed in a building as a means of access to a private residence within such building, provided the elevator is installed so that it is not accessible to the general public or to other occupants in the building. The use is restricted to the owner and the owner's immediate family and nonpaying guests. All other elevating device installations shall be classified as commercial.
 - (i) **"Private residential incline elevator" means a private residence inclined elevator for use on a property of a private residence or homeowners' association in accordance with the act.**
 - ~~(j)~~ (j) "Special elevating device" includes other lifting or lowering apparatus which is guided as provided in section 3 of the act.
 - ~~(k)~~ (k) "Temporary inspection" means the inspection of a permanent elevator that is to be used on a temporary basis.
- (2) Terms defined in the act have the same meanings when used in these rules.

R 408.7003 Applicability of national standards.

Rule 3. The following standards are adopted by reference.

(a) The following standards are available from the American Society of Mechanical Engineers (ASME), 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900, at a cost as of the time of adoption of these rules, as stated in this subrule:

- (i) ASME A17.1-~~2007~~**2010** safety code for elevators and escalators, except for sections ~~1.2.1(b), 1.2.1(e), 2.5.1.5.3, 2.8.3.3.2, 2.8.6, 2.11.1.3, 2.11.1.4, 2.11.7.2, 2.11.7.2.1, 2.11.7.2.2, 2.11.7.2.3, 2.11.7.2.4, 2.11.7.2.5, 2.14.2.2(f), 2.14.2.6, 2.14.5.8.2, 2.16.5.1.3, 2.22.2, 3.18.3.8.3, 3.19.5.2, 3.22.1.6, 5.3.1.1.1, 5.3.1.1.2, 5.3.1.2.1, 5.3.1.14.3, 5.4.10.2, 8.6.5.8, 8.6.11.4~~**8.6.11.5 to 8.6.11.5.6**, 8.10.1.1.3, 8.11.1.1, 8.11.1.1.1, 8.11.1.1.2. Cost ~~\$250.00~~**\$310.00**.
- (ii) ASME A17.2-~~2007~~**2012** guide for inspection of elevators, escalators, and moving walks. Cost ~~\$165.00~~**\$180.00**.
- (iii) ASME A17.6-**2010** standard for elevator suspension, compensation, and governor systems. Cost **\$90.00**.
- (iv) ASME A17.7-**2007** performance-based safety code for elevators and escalators, except for where the Michigan elevator rules make an exception to, addition to, or an amendment of, an ASME A17.1/CA B44 code section the Michigan elevator rules shall govern over the

corresponding section in ASME A17.7/CSA B44.7 and must obtain department approval. Cost \$155.00.

(iiiiv) ASME A18.1-~~2008~~**2011** safety code standard for platform lifts and stairway chairlifts, except for sections 2.1.2 **to 2.1.2.8, 2.1.3 to 2.1.3.10**, 3.10.2 **to 3.10.2.4**, 10.1.1, 10.1.2 **to 10.1.2.3**, 10.1.3.3, 10.1.4, **and 10.2.1**. Cost ~~\$87.00~~**\$90.00**.

(iivvi) ASME A90.1-~~2003~~**2009** safety standard for belt manlifts. Cost ~~\$57.00~~**\$59.00**.

(b) ANSI A10.4-2007, the American national standards institute (ANSI), safety requirements for personnel hoist and employee elevators for construction and demolition and operations, except for sections 24.1.2.1; **and 26.4.8.1, 26.6, and 30.4**, is available from ANSI at 1430 Broadway, New York, New York, 10018. Cost ~~\$69.00~~**\$74.00**.

(c) The following standards are available from American Society for Testing and Materials, (ASTM), 100 Bar Harbor Drive, 2 Conshohocken, PA 19428-2959, at a cost as of the time of adoption of these rules, as stated in this subrule:

(i) ASTM D 2667-~~2008~~, ‘Standard test method for biodegradability of alkylbenzene sulfonates’. Cost ~~\$43.00~~**\$47.00**.

(ii) ASTM E 648-~~2010~~, standard test method for critical radiant flux of floor-covering systems using a radiant heat energy source. Cost ~~\$43.00~~**\$47.00**.

(iii) ASTM F 714-~~2012~~, standard specification for polyethylene (PE) plastic pipe (SDR-PR) based on outside diameter’. Cost ~~\$37.00~~**\$47.00**.

(d) The standards adopted in subdivisions of this subrule are also available for inspection at the Michigan Department of Energy, Labor, and Economic Growth Licensing and Regulatory Affairs, Bureau of Construction Codes, 6546 Mercantile Way, 2501 Woodlake Circle, Lansing, Okemos, Michigan 48864. Copies may be obtained from the bureau at the cost of the individual codes as noted in subdivisions of this subrule, plus the department's cost for shipping and handling.

(e) All references to NFPA 70-~~2011~~ mean the Michigan electrical code. The Michigan electrical code is available for inspection or may be purchased from the Michigan Department of ~~Energy, Labor, and Economic Growth~~**Licensing and Regulatory Affairs**, Bureau of Construction Codes 2501 Woodlake Circle, Okemos, Michigan 48864, at a cost as of the time of adoption of these amendatory rules of ~~\$89.50~~**\$82.50** each.

R 408.7011 Frequency of inspections.

Rule 11. All elevators shall be inspected by a general elevator inspector pursuant to the following schedule:

(a) Passenger, freight, mine, inclined, limited-use/limited application, special purpose personnel, and rooftop elevators, material lifts, barrier free lifting devices, escalators, moving walks, belt manlifts, and special elevating devices shall be inspected at least once every 12 months.

(b) Dumbwaiters, stairway chairlifts, 1-person elevators, hand-powered; 1-person elevators, electric-powered; platform lifts; and power sidewalk elevators shall be inspected at least once every 24 months.

(c) Personnel hoists shall be inspected at least once every 30 days.

(d) Elevating devices in private residences shall be inspected only at the discretion of the department or owner.

(e) Private residence inclined elevators installed under the requirements of the act for use by multiple residences, shall be inspected at least once every 24 months.

~~(e)(f)~~ More frequent inspections may be scheduled at the discretion of the department or owner.

R 408.7019 Fees.

Rule 19. (1) Fees shall be paid in accordance with the following schedule:

Commissions to inspect elevators

Commission \$50.00.

Commission renewal..... \$50.00.

Examination for certificates of competency

Certificate of competency examination (nonrefundable) \$50.00.

Elevator contractors and journeyperson examination and licenses

Elevator contractor's license and renewal (nonrefundable) \$100.00.

Elevator contractor's examination (nonrefundable) \$100.00.

Elevator journeyperson license and renewal (nonrefundable)..... \$40.00.

Elevator journeyperson examination (nonrefundable) \$100.00.

Installation permits

Elevator installation application fee (nontransferable and nonrefundable)..... \$60.00.

Base permit fee for each of the following devices: \$200.00.

Passenger elevator

Freight elevator

Mine elevator

Inclined elevator

Limited-use/limited application elevator

Private residence elevator

Private residence inclined elevator

Special purpose personnel elevator

Dumbwaiter

Material lift

Power sidewalk elevator

Rooftop Elevator

Belt manlift

Special elevating device

For the above installations, an additional \$25.00 is charged for each hoistway opening and for each floor traveled without a hoistway opening.

Escalator..... \$240.00.

Moving walk \$240.00.

Personnel hoist, initial inspection \$340.00.

Plus \$25.00 for each hoistway opening and for each floor traveled without a hoistway opening.

Private residence platform lift and private

residence stairway chairlift \$40.00.

Platform lift and stairway chairlift in buildings other

than private residence \$70.00.

Major alteration permits

Elevator alteration application fee (nontransferable and nonrefundable)..... \$60.00.

First alteration (including 1 final inspection) \$90.00.

Each additional alteration \$65.00.

Personnel hoist tower rise \$90.00.

Plus \$25.00 for each added hoistway opening and for each floor traveled without a hoistway opening.

Maximum alteration fee (includes \$60.00 nontransferable and nonrefundable application fee)
..... \$395.00.

(2) A final inspection fee is included in the installation and alteration permit fee. If a scheduled final inspection is canceled without 24 hours notice to the department, or if the elevator is not complete in the judgment of the general elevator inspector, then an additional fee shall be charged to the elevator contractor as follows:

- (a) \$300.00 for private residence elevator, dumbwaiter, platform lift, or stairway chairlift.
- (b) \$500.00 for all other devices.

(3) A written request for a refund on a permit must be made within 1 year from the application date. An issued permit shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after work is commenced. A 1-time 180-day permit extension shall automatically be granted when a building permit for the same project remains valid.

Certificate of operation

Biennial and annual certificate of operation \$45.00.
Temporary certificate of operation \$200.00.

Inspection by general inspector

Biennial inspection for devices complying with R 408.7011(b) \$110.00.

Annual **and biennial** inspection for all other devices \$125.00.
Plus \$5.00 for each hoistway opening and for each floor traveled without a hoistway opening.

Temporary certificate of operation inspection \$125.00.
Plus \$5.00 for each hoistway opening and for each floor traveled without a hoistway opening.

Reinspection or correction order follow-up for devices complying with R 408.7011(b).. \$110.00.
Reinspection or correction order follow-up for all other devices..... \$125.00.

(4) The department may provide, upon written request, special services that are not otherwise covered in the fee structure. The charge for this service shall be at the rate of \$100.00 per hour including travel time.

Fees that are required pursuant to the provisions of the act shall be paid to the department. Checks or money orders shall be made payable to the "State of Michigan."

R 408.7020 Supervising employees.

Rule 20. (1) If a contractor's license is based on the qualification of a supervising employee, then termination of employment of a supervising employee shall result in the suspension of the license 90 days after termination of employment and the license shall remain suspended until another supervising employee is certified for the employer by the board. The supervising employee and the employer shall each notify the department in writing when the termination of the employment of the former occurs.

(2) A person serving as supervising employee of a contractor may not concurrently serve as supervising employee of another contractor. A supervising employee shall be employed on a full-time basis by the contractor.

(3) The person, firm, or corporation and the elevator contractor license holder supervising employee shall be jointly and severally responsible for exercising the supervision and control of the elevator operations necessary to secure full compliance with the act, the rules promulgated under the act, and all other laws and rules related to elevating devices.

R 408.7021 Renewal of contractor's licenses and commissions.

Rule 21. A contractor's license and a commission which has expired may be renewed within 60 days after the date of expiration without examination upon payment of the required renewal fee **and late fee of \$20.00**. A contractor's license and a commission which is not so renewed is considered revoked. **The revoked contractor's license or commission may be reinstated if approved by the elevator safety board, and upon payment of the required renewal fee and reinstatement fee of \$100.00.**

R 408.7023 Appeals to the board.

Rule 23. (1) Any person, firm, or corporation aggrieved by any decision, ruling, or order of the director or of the department may appeal within 15 days from date of mailing of the decision, ruling, or order to the board, for a hearing before the board in accordance with section 8(d) of the act. An appeal shall specify the reasons and the relief sought and shall be submitted to the director for presentation to the board.

(2) A ~~\$200.00 fee of \$25.00~~ **non-refundable fee** shall be ~~deposited with~~ **made to** the department at the time the appeal is filed. Checks or money orders shall be made payable to the "State of Michigan."

(3) The board shall set a time for hearing of the appeal and ~~give~~ **provide written** notice ~~by mail~~ to the appellant at least 10 days before the date set for hearing.

(4) A request for an adjournment shall be filed in writing at least 5 days before the date set for hearing. The board or the director may, for good cause, grant an adjournment.

(5) If the appellant fails to appear at the time set for hearing, the board may proceed with the hearing and decide the case in the absence of the appellant. The board may affirm, modify, or set aside the ruling of the department and shall notify the director and the appellant in writing of its decision. ~~The department shall refund the appeal fee if a decision is rendered in favor of the appellant.~~

R 408.7023a Variance requests.

Rule 23a. (1) Any person, firm, or corporation upon application in specific cases, may request a variation of the requirements of the rules when it is clearly evident that exceptions or variations are necessary to prevent undue hardship or when existing conditions prevent compliance with the literal requirements. The request shall be on a form prescribed by the department and specify the reasons and the relief sought and shall be submitted to the department for review.

(2) A \$75.00 nonrefundable fee shall be made to the department at the time the variance request is filed. Checks or money orders shall be made payable to the "State of Michigan".

(3) The department may submit the variance request to the board for its action. The department shall set a time for reviewing a request submitted to the board and provide written notice to the appellant at least 10 days before the date set for the review.

(4) A request for an adjournment shall be filed in writing by the appellant at least 5 days before the date set for the review. The department or the board may, for good cause, grant an adjournment.

(5) If the appellant fails to appear at the time set for the variance request, the action may proceed and the board may decide the request in the absence of the appellant. The request may be approved, denied, modified, or set aside. The department shall notify the appellant in writing of the decision.

R 408.7023b Product approval.

Rule 23b. (1) All elevating devices, equipment, systems, subsystems, components, and functions must be reviewed for compliance with the current elevator requirements and approved by the department prior to use in this state. An initial \$75.00 nonrefundable application fee shall be made to the department at the time of application.

(2) All product approval requests shall be on a form prescribed by the department and accompanied by a compliance document which reflects compliance with the corresponding requirements and supporting documents such as drawings, wiring diagrams, factor of safety calculations, certifications, and any other information the department finds necessary for the specific review.

(3) A rate of \$75.00 per hour shall be charged for special services of a product review. The total charges shall be determined on an hourly basis for the review upon completion. An approval may not be granted until full payment of these services has been received.

R 408.7024 Applicability of rules and manual.

Rule 24. Elevators as defined in section 3 of the act installed before the effective date of this code edition shall comply with the Michigan elevator laws and rules in effect at the time of adoption of this code until the device is altered. All other approved existing features or components of the elevator shall comply with these rules and shall be maintained as described in the American society of mechanical engineers (ASME) guide for inspection of elevators, escalators, and moving walks ASME A17.2~~2007~~ - 2010, which is adopted by reference in R 408.7003.

R 408.7025 Service and examination of power elevators; frequency; exceptions.

Rule 25. A power elevator, except a private residence elevator, private residence inclined elevator, private residence platform lift, or private residence stairway chairlift, shall be serviced and examined for defects by a licensed elevator journey person at least once every 90 days, except for the following devices which shall be serviced and examined at least once every 180 days:

- (a) Dumbwaiters.**
- (b) One-person elevators, electric and hand-powered.**
- (c) Platform lifts and stairway chairlifts in buildings other than private residences.**
- (d) Private residence inclined elevators installed under the requirements of the act for use by multiple residences.**

An accessible written record of all service and examination shall be maintained in the machine room or on-site if a machine room does not exist.

CHAPTER 2. ALL ELEVATORS

R 408.7026 Disconnecting means for new and altered elevators.

Rule 26. The disconnecting means for all elevators and escalators that have 208 volts alternating current (VAC) nominal, ~~3-phase~~, shall be a heavy-duty type means and feature a dual cover interlock or a circuit breaker capable of being locked in the open position.

R 408.7029 Dormant elevators.

Rule 29. (1) An elevator, escalator, or moving walk which is inactive for 1 year shall be classified as dormant and placed out of service in compliance with section 8.11.1.4(b) of the ASME A17.1 code.

(2) A platform lift or stairway chairlift which is inactive for 1 year shall be classified as dormant and placed out of service as follows:

- (a) The device shall be lowered and any suspension means removed.
 - (b) The power feed lines shall be disconnected from the machine disconnect switch and taped in compliance with section ~~40.1.5~~**10.1.6** of the ASME A18.1 code.
 - (c) All landing entrances shall be secured in a closed position from inside the runway or hoistway.
 - (d) Folding type devices shall be secured against movement.
- (3) Before a dormant elevating device may be placed in service, it shall be inspected by the department and shall conform to these rules and the applicable section of the standard.

R 408.7030 Elevator and escalator monitoring.

Rule 30. All elevators and escalators may be monitored from a remote location. Monitoring shall consist of passing information from the elevator control to a remote location for the collection of information. A device shall not have the capability to adjust, alter, change or reset any switch, parameter, or system of the elevator control from any location except the corresponding car, hoistway, ~~or machine room, lobby panel, or fire command center~~. The device shall not be capable of bypassing or resetting any safety or electrical protective device. **The monitoring means may be used to initiate car and hall landing calls or to secure floors from access.** Information collected shall be made available to the department upon request.

CHAPTER 3. ASME A17.1 MODIFICATIONS

R 408.7031a ASME A17.7/CSA B44.7.

Rule 31a. Section 1.2.1 of the ASME A17.1/CSA B44 code is amended to read as follows:

1.2.1 The purpose of this code is to provide for the safety of life and limb, and to promote the public welfare. Compliance with this code shall be achieved by either subdivisions (a), (b) and (d) or (c) and (d):

- (a) Conformance with the requirements in ASME A17.1/CSA B44.**
- (b) Conformance with some of the requirements in ASME A17.1/CSA B44 and for systems, subsystems, components, or functions that do not conform with certain requirements in ASME A17.1/CSA B44, conform with the applicable requirements in ASME A17.7/CSA B44.7. Where the Michigan elevator rules make an exception to, addition to, or an amendment of, an ASME A17.1/CSA B44 code section the Michigan elevator rules shall govern over the corresponding section in ASME A17.7/CSA B44.7 and shall also obtain department approval.**
- (c) Conformance with the requirement in ASME A17.7/CSA B44.7. Where Michigan elevator rules make an exception to, addition to, or an amendment of, an ASME A17.1/CSA B44 code section the provisions of the Michigan elevator rules shall govern over the corresponding section in ASME A17.7/CSA B44.7 and shall also obtain department approval.**
- (d) Any ASME A17.7/CSA B44.7 certifications that violate the Michigan elevator rules exceptions, additions, or modifications to ASME A17.1/CSA B44 shall require approval from the department.**

R 408.7032 Machinery space, machine rooms, control spaces, and control rooms.

Rule 32. Section 2.7 of the ASME A17.1 code is amended to read as follows:

2.7. A machinery space outside the hoistway containing an electric driving machine and an elevator controller shall be a machine room. The electric driving machine shall be located in a ~~machine~~**machinery** space within the elevator hoistway or outside the hoistway in an elevator machine

room. A controller shall be accessible only from a **machinery space**, machine room, control room, or hoistway.

R 408.7034 Enclosure of machine rooms and machinery spaces.

Rule 34. Section 2.7.1 of the ASME A17.1 code is amended to read as follows:

2.7.1. Machines, control equipment, sheaves, and other machinery shall not be exposed to the weather. Machine room, control room, and machinery-space enclosures shall conform to section 2.7.1.1 or 2.7.1.2, and shall also conform to 2.7.1.3 of the ASME A17.1 code, as applicable.

Machine rooms and control rooms shall be located at a hoistway landing associated with the equipment within the room. Elevator machine and control rooms may be located overhead, adjacent to, underneath the hoistway, or at a remote location. The entrance to the machine room or control room shall be not more than 25 feet, clear unobstructed walking pathway from the elevator hoistway door. The distance from the machine room door to the hoistway door may be over 25 feet when the machine room is located directly above the hoistway in a conventional layout. Pit and hoistway access doors shall not be a direct access between a hoistway enclosure and machine room or control room.

Elevators installed without a machine room or control room shall locate the required disconnecting means in a single machinery space or control space outside the hoistway located within 25 feet clear unobstructed walking pathway of the elevator hoistway door, inspection and test panel, and at the same hoistway landing.

The disconnecting means shall be located in a single dedicated space, or dedicated room intended with or without full body entry, and shall be secured so only the elevator journey person or other qualified personnel may gain access.

Access to machine rooms, control rooms, machine spaces, or control spaces shall not be through restrooms, lavatories, locker rooms, or associated vestibules. Where enclosed ceilings are required or provided they shall be of a solid type with no access panels. Drop type ceilings shall not be permitted. Machine rooms, control rooms, machinery spaces, and control spaces shall not be used as a pass through or for access to other areas. Building access panels or doors are prohibited in these areas.

R 408.7035 ~~Sprinkler systems.~~**Rescinded.**

~~Rule 35. Section 2.8.3.3 of the ASME A17.1 code is amended to read as follows:~~

~~2.8.3.3. Sprinkler systems conforming to the Michigan building code, R 408.30401 to R 408.30547, may be installed in the hoistway, machinery space, machine room, control space, or control room.~~

~~Sprinklers installed in elevator shafts and machine rooms shall meet the following requirements:~~

~~(1) In hoistways a side wall spray sprinkler shall be installed at the bottom of each hoistway, not more than 24 inches and not less than 12 inches above the floor of the pit. A guard shall be installed on the sprinkler head to prevent accidental tripping or activation.~~

~~(2) In elevator machine rooms automatic sprinklers of ordinary or intermediate temperature rating shall be provided.~~

~~Each system shall have a readily accessible shut-off valve, that is of the electronically supervised type, located outside the protected area. Where a fire panel is available, these valves shall be properly connected. Sprinkler systems are also subject to the requirements of sections 2.8.3.1.2 to 2.8.3.3.4, and 2.8.3.5, of the ASME A17.1 code.~~

R 408.7036 Reopening device for power operated car doors or gates.**Rescinded.**

~~Rule 36. Section 2.13.5.1 of the ASME A17.1 code is amended to read as follows:~~

~~2.13.5.1. Where required by section 2.13.3.4 or 2.13.4 of the ASME A17.1 code, a power operated car door shall be provided with a reopening device that will function to stop and reopen a car door and the adjacent landing door sufficiently to permit passenger transfer if the car door or gate is obstructed while~~

~~closing. The reopening device used shall be effective for substantially the full vertical opening of the door in compliance with section 2.13.4.2 of the ASME A17.1 code.~~

~~The door reopening device and door open button shall remain in operation at all times when the elevator is operating on normal service. Any devices which are designed to bypass either door opening device when the door is open for a predetermined amount of time (nudging) shall not be installed. This does not include operation under fire and other emergency conditions. For operation under fire and other emergency conditions, if the closing kinetic energy is reduced to 3.5 J (2.5 ft-lbf) or less, the reopening device may be rendered inoperative.~~

R 408.7037 ~~Illumination and outlets required; light fuses and circuit breakers; installation.~~ **Rescinded.**

Rule 37. Section 2.14.7.1 1.2.1 of the ASME A17.1 /CSA B44 code is amended to read as follows:

~~2.14.7.1. Cars shall be provided with an electric light or lights conforming to sections 2.14.7.1.1 to 2.14.7.1.4 of the ASME A17.1 code. The fuses or circuit breakers for elevator car lights shall be installed in the machine room.~~

R 408.7040 ~~Fire alarm initiating devices.~~ **Rescinded.**

Rule 40. ~~Section 2.27.3.2.1 of the ASME A17.1 code is amended to read as follows:~~

~~2.27.3.2.1. Fire alarm initiating devices shall be installed in compliance with the requirements of the Michigan electrical code, R 408.30801 to R 408.30880, in all of the following locations:~~

~~(a) Each floor served by the elevator.~~

~~(b) The associated elevator machine room, control space, or control room.~~

~~(c) The elevator hoistway, when required.~~

~~The fire alarm initiating devices required by section 2.27 of the ASME A17.1 code shall be installed as a stand-alone system. The initiating devices shall be installed so that only the elevator or group of elevators which are affected by the emergency shall be captured. No electrical connection shall be permitted between the stand-alone system and any other initiating device or fire alarm system, except, that the initiating devices may provide a supervisory signal to the fire panel. These initiating devices are part of the elevator control system and shall be installed by a licensed elevator journeyman or under the direct supervision of a licensed elevator journeyman.~~

~~Exception: A dry contact may be made available in the elevator controller to be connected to the building fire alarm system for supervision of the elevator stand-alone system. The dry contact shall be located such that any malfunction of either system will not sacrifice the integrity of the other system.~~

~~Fire alarm audible alarms shall not be placed within elevator machine rooms or control rooms. Visible alarm notification shall be provided in elevator machine rooms or control rooms when alarm notification appliances are required by the Michigan building code described in section 907.9.2.~~

R 408.7041 Machinery spaces, machine rooms, control spaces, and control rooms.

Rule 41. Sections 3.7 and 3.7.1 of the ASME A17.1 code is amended to read as follows:

3.7. A machinery space outside the hoistway containing a hydraulic machine and an elevator controller shall be a machine room. The hydraulic machine shall be located in a machine space within the elevator hoistway or outside the hoistway in an elevator machine room. The elevator controller shall be accessible only from a machine room, control room, or hoistway.

3.7.1. Hydraulic machines, control equipment, sheaves, and other machinery shall not be exposed to the weather. Machine room, control room, and machinery-space enclosures shall conform to the requirements of sections 2.7.1 to 2.7.7 and 2.7.9 of the ASME A17.1 code and the following:

Machine rooms and control rooms shall be located at a hoistway landing associated with the equipment within the room. Elevator machine and control rooms may be located overhead, adjacent to, underneath

the hoistway, or at a remote location. The entrance to the machine room or control room shall be not more than 25 feet, clear unobstructed walking pathway from the elevator hoistway door. The distance from the machine room door to the hoistway door may be over 25 feet when the machine room is located directly above the hoistway in a conventional layout. Pit and hoistway access doors shall not be for direct access between a hoistway enclosure and machine room or control room.

Elevators installed without a machine room or control room shall locate the required disconnecting means in a single machinery space or control space outside the hoistway located within 25 feet clear unobstructed walking pathway of the elevator hoistway door, inspection and test panel, and at the same hoistway landing.

The disconnecting means shall be located in a single dedicated space, or dedicated room intended with or without full body entry, and shall be secured so only the elevator journey person or other qualified personnel may gain access.

Access to machine rooms, control rooms, machine spaces, or control spaces shall not be through restrooms, lavatories, locker rooms, or associated vestibules. Where enclosed ceilings are required or provided they shall be of a solid type with no access panels. Drop type ceilings shall not be permitted. Machine rooms, control rooms, machinery spaces, and control spaces shall not be used as a pass through or for access to other areas. Building access panels or doors are prohibited in these areas.

R 408.7044 ~~Pipe supports and guards.~~Rescinded.

Rule 44. Section 3.19.2.3 of the ASME A17.1 code is amended to read as follows:

~~3.19.2.3. Piping shall be supported to eliminate undue stress at joints and fittings, particularly at any section of the line subject to vibration. Exposed portions of supply piping directly below the space between the hoistway and car sill in the elevator pit shall be protected with an approved type of guard. Any accessible hydraulic piping that is located outside the elevator machine room or hoistway shall have marking applied stating "Elevator Hydraulic Line" in letters that are at least 19 mm (.75 inch) high in a contrasting color. The marking shall be visible after installation and applied at intervals not greater than 3000 mm (120 inches).~~

R 408.7050 ~~Enclosures for runways and driving machines.~~Rescinded.

Rule 50. Section 5.4.13.8 of the ASME A17.1 code is amended to read as follows:

~~5.4.13.8. Location of driving machine, alignment, and guarding of sheaves.~~

~~(1) The driving machine may be mounted on the car chassis or placed at a remote location. If remotely located, all intervening sheaves or sprockets shall be placed to ensure that ropes or chains travel in proper alignment. All sheaves or sprockets shall be guarded.~~

~~(2) A driving machine and controller shall be located within a locked enclosure. This enclosure shall be supported and braced so as to deflect not over 1 inch when subjected to a force of 100 pounds applied horizontally at any point.~~

R 408.7051 Type of operation.

Rule 51. Section 5.4.15.1 of the ASME A17.1 code is amended to read as follows:

5.4.15.1. The inclined elevator shall be operated by weatherproof constant pressure key switches **or constant pressure switch or button** at each landing and on the car. Key-operated switches shall be of the spring-return type and shall be operated by a cylinder type lock having not less than 5-pin or 5-disk combination with the key removable only when the switch is in the off position. **Constant pressure switches and buttons shall be hand operated and controlled by an adjacent on-off key switch with the key removable only when the key is in the off position.** The key shall be group 4 security in compliance with section 8.1 of the ASME A17.1 code.

R 408.7052 Electrical equipment and wiring requirements.

Rule 52. Section 5.4.15.5.1 of the ASME A17.1 code is amended to read as follows:

5.4.15.5.1. All electrical equipment and wiring shall conform to the requirements of the Michigan electrical code and ASME A17.1 sections **5.3.1.18.4, 5.3.1.18.5 and 5.3.1.18.6**. A fused disconnect switch or a circuit breaker shall be installed within the machine enclosure and connected to the power supply line to each electric motor. A hoisting motor shall have a manually reset type of electrical overload device.

R 408.7055 Record of oil usage.

Rule 55. Section 8.6.5.7 of the ASME A17.1 code is amended to read as follows:

8.6.5.7. For systems where part of the cylinder or piping, or both, are not exposed for visible inspection, a written record shall be kept of the quantity of hydraulic fluid added to the system and emptied from leakage collection containers and pans. The written record shall be kept in the machine room. If the quantity of hydraulic fluid loss cannot be accounted for, then the test specified in section **8.6.5.15.38.11.3.3.3** of R 408.7060 shall be done.

R 408.7055a Periodic test.

Rule 55a. Section 8.6.7.4.1 of the ASME A17.1 code is amended to read as follows:

8.6.7.4.1. (1) Private residence inclined elevators and lifts should be subject to the periodic tests specified in 8.6.4.19, 8.6.4.20, and 8.6.4.14 to 8.6.5.16. The test requirements shall apply to the corresponding requirements in 5.4. Any additional requirements for this equipment should also be checked during these tests.

(2) Private residence inclined elevators installed under the requirements of the act for use by multiple residences, shall be subject to the periodic tests specified in 8.6.4.19, 8.6.4.20, and 8.6.5.14 to 8.6.5.16. The test requirements shall apply to the corresponding requirements in 5.4. Any additional requirements for this equipment shall also be checked during these tests.

R 408.7056 Firefighters' emergency operation.

Rule 56. Section ~~8.6.11.0.18.6.11.1~~ of the ASME A17.1 code is amended to read as follows:

8.6.11.1. All elevators provided with firefighters' emergency operation shall be subjected quarterly to phase I recall by use of the key switch, and a minimum of 1-floor operation on phase II. Deficiencies shall be corrected. An accessible written record of test results shall be maintained in the machine room.

R 408.7058 ~~Rule 58. Section 8.7.3.23.3 of the ASME A17.1 code is amended to read as follows:~~
Cylinders.

Rule 58. Section 8.7.3.23.3 of the ASME A17.1 code is amended to read as follows:

8.7.3.23.3. Where a cylinder is installed, replaced, or altered, it shall conform to section 3.18.3 of the ASME A17.1 code. Sleaving of a cylinder shall not be permitted. If the plunger is not equipped with a stop ring conforming to section 3.18.4.1 of the ASME A17.1 code, the installation shall also conform to sections 3.18.1.2 and 3.18.2 of the ASME A17.1 code.

R 408.7059 Acceptance inspection and tests.

Rule 59. Section 8.10.1.1.1 of the ASME A17.1 code is amended to read as follows:

8.10.1.1.1. The acceptance inspection shall be made by an inspector employed by the authority having jurisdiction. All parts of the installation shall be inspected for conformity with the requirements of the Michigan elevator laws and rules and section 8.10 of the ASME A17.1 code. The American society of mechanical engineers A17.2-~~2010~~~~2007~~, guide-for inspection of elevators, escalators, and moving walks,

ASME, a copy of which is adopted by reference in R 408.7024, is recommended as a guide in making the inspection. Balance load and maximum normal speeds with maximum rated load and no load shall be determined and recorded on forms furnished by the department.

R 408.7059a Periodic test tags.

Rule 59a. Section ~~8.6.1.7.28-11.1.6~~ of the ASME A17.1 code is amended to read as follows:

8.6.1.7.28-11.1.6. An approved paper tag with the applicable code requirement or requirements and date or dates performed, and the name of the person or firm performing the test, shall be installed in the machine room or machine space for all periodic tests.

R 408.7060 Three-year inspection and test requirements.

Rule 60. Section ~~8.6.5.15.38-11.3.3.3~~ is added to the ASME A17.1 code to read as follows:

8.6.5.15.38-11.3.3.3. (1) Cylinders shall be tested at intervals of not more than 36 months.

(2) Three-year inspection and test requirements.

(a) The relief valve setting shall be in compliance with section 3.19.4.2 of the ASME A17.1 code. The relief valve shall be resealed if the relief valve setting is altered or if the seal is broken.

(b) Test the relief valve setting by first inching the empty car upward to engage the plunger stop ring or to engage other suitable blocking provided and then apply pressure from the pump to check the setting.

Procedures for set test are as follows:

(i) Put rated load in the car and locate it at any convenient level.

(ii) Open the disconnect switch and locate the elevation of the platform with respect to a convenient reference.

(iii) For cylinders that are not completely exposed, after not less than 2 hours, note the position of the platform with respect to the chosen reference. For cylinders that are completely exposed, after not less than 30 minutes, note the position of the platform with respect to the chosen reference. A change in the car position during a cylinder test that cannot be accounted for by visible oil leakage or temperature change of the oil indicates a failure of some type requiring further inspections, tests, or repairs. An accessible written record of all oil levels and all oil added shall be maintained in the machine room.

R 408.7060a Private residence elevators and private residence inclined elevators.

Rule 60a. Section 8.11.5.2 of the ASME A17.1 code is amended to read as follows:

8.11.5.2. (1) Private residence elevators should be subject to the periodic inspections specified in 8.11.2 and 8.11.3. The inspection requirements shall apply to the corresponding requirements in 5.3 and 5.4. Any additional requirements for this equipment should also be checked during these inspections.

(2) Private residence inclined elevators installed under the requirements of the act for use by multiple residences, shall be subject to the periodic inspections specified in 8.11.2 and 8.11.3. The inspection requirements shall apply to the corresponding requirements in 5.3 and 5.4. Any additional requirements for this equipment shall also be checked during these inspections.

CHAPTER 4. ASME A18.1 MODIFICATIONS

R 408.7063 ~~Platforms.~~**Rescinded.**

~~Rule 63. Section 2.6.1 of the ASME A18.1 code is amended to read as follows:~~

~~2.6.1. Frame, floor, and platform entrance. The frame shall be of metal construction and have a factor of safety of not less than 5 based on the rated load. The floor shall be of metal or wood construction with a nonskid surface. One or more of the following shall be provided on each platform entrance:~~

- ~~–(a) A solid door with an electric contact that is a minimum of 42 inches high. In no case shall the door be less in height than the height of the platform enclosure opening.~~
- ~~–(b) Light rays that are provided at 3 inches and 12 inches above floor level.~~
- ~~–(c) A proximity device that is effective for the full width of the opening and from 1 inch above floor level to the height of the platform enclosure opening.~~
- ~~–(d) Other types of devices approved by the board. The operation of the device shall remove the electric power from the motor and brake.~~

R 408.7064 Passenger restriction sign. Rescinded.

- ~~–Rule 64. Section 2.7.4 of the ASME A18.1 code is amended to read as follows:~~
- ~~–2.7.4. A passenger restriction sign shall be provided and placed on each landing door and on the platform. It shall be securely fastened in a conspicuous place. The sign shall state "mobility impaired persons only – no freight" in letters not less than 1/4 inch (6 mm) high and shall include the international symbol for accessibility.~~

R 408.7065 Passenger restriction sign. Rescinded.

- ~~–Rule 65. Section 3.7.5 of the ASME A18.1 code is amended to read as follows:~~
- ~~–3.7.5. A passenger restriction sign shall be provided and placed on each landing door and on the platform. It shall be securely fastened in a conspicuous place. The sign shall state "mobility impaired persons only – no freight" in letters not less than 1/4 inch (6 mm) high and shall include the international symbol for accessibility.~~

R 408.7066a Free passage width and clearances. Rescinded.

- ~~–Rule 66a. Section 6.1.1 of the ASME A18.1 code is amended to read as follows:~~
- ~~–6.1.1. A free width of not less than 500mm (20 in.) shall be provided. If the platform can fold when in use, the distance will be measured for the folded position.~~
- ~~–Clearances between the platform and adjacent surfaces shall be not less than 20 mm (0.75 in.). At no point in its travel shall the edge of the platform facing the upper landing be more than 600 mm (24 in.) above a step or landing as measured vertically.~~

R 408.7067 Runways. Rescinded

- ~~–Rule 67 Section 7.1.1 of the ASME A18.1 code is amended to read as follows:~~
- ~~–7.1.1. A free passage width of not less than 500 mm (20 in.) shall be provided. If the seat and platform can be folded when not in use, the distance shall be measured from the folded position. The structure on which the equipment is installed shall be capable of safely supporting the loads imposed.~~

CHAPTER 5. ASME A90-1 MODIFICATIONS

R 408.7069 Applicability of national standard and rules of board.

Rule 69. (1) This rule applies to manlifts, as described in the ASME A90.1-~~2009~~2003, which is adopted by reference in R 408.7003, that are used only to carry plant personnel in granaries, flour mills, parking garages, and similar buildings or occupancies. Belt manlifts shall not be used by the public and, if located in buildings to which the public has access, shall be located in an enclosure that is protected by self-closing, spring-locked doors. Keys to the doors shall be available to employees. The use of belt manlifts during construction is prohibited.

(2) The hoistway enclosure shall comply with the Michigan building code, R 408.30401 to R 408.30547, and shall maintain the fire rating of the structure.

(3) The travel of any single belt manlift installed after February 14, 1968 shall not exceed 100 feet.

CHAPTER 6. ANSI A10.4 MODIFICATIONS

R 408.7071 Location.

Rule 71. Section 5.4.8 of the ANSI A10.4 standard is amended to read as follows:

5.4.8. (1) A personnel hoist shall be installed not less than 10 feet from any other lifting or lowering apparatus except other personnel hoists.

(2) A hoistway shall not be located either partially or wholly over sidewalks or passageways.

(3) If tower cranes are installed such that the boom or trolley may go over or into the 10-foot restricted area, ~~then both of the following shall apply:~~ **then the personnel hoist shall be unoccupied anytime the boom or trolley passes over the restricted area. The evacuation of the personnel hoist shall be the responsibility of the crane operator and the general contractor.**

~~(a) Limit switches shall be located on both the booms and trolleys of the tower cranes to activate audio and visual alarms and also prevent the boom or trolley from going over or working within 10 feet of the personnel hoist while the hoist is occupied. (b) Key override switches shall be installed to allow the boom and trolley to go into the 10-foot restricted area when moving material, or at any time the boom or trolley passes over the restricted area. The personnel hoist shall be unoccupied at this time. The evacuation of the personnel hoist is the responsibility of the crane operator and the general contractor.~~

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
NOTICE OF PUBLIC HEARING

State Plumbing Board Licensing Rules (ORR# 2012-118 LR)
Michigan Boiler Rules (ORR# 2012-013 LR)
Elevator Safety Board Rules (ORR# 2012-009 LR)

The Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, will hold a public hearing on Thursday, July 11, 2013, at 9:00 a.m. in Conference Room 3, 2501 Woodlake Circle, Okemos, MI 48864. The State Plumbing Board Licensing rules are proposed to take immediate effect after filing with the Secretary of State. The Michigan Boiler rules are proposed to be effective 30 days after filing with the Secretary of State. The Elevator Safety Board rules are proposed to be effective 30 days after filing with the Secretary of State.

The public hearing is being held to receive public comments on the proposed amendments to the administrative rules noted above. Testimony will be taken for each rule set in the order the rules are listed above. Individuals who are not present during testimony for a particular rule set will be provided an opportunity to testify after final testimony on the Elevator Safety Board rules.

The proposed revisions to the State Plumbing Board Licensing rules are needed to reflect the current plumbing statute, the State Plumbing Act, 2002 PA 733. The rules were developed to conform to the previous plumbing statute, 1929 PA 266. The rules first took effect in 1979 and some of the rules were revised in 1985. The hearing is being conducted by the Department under the authority of Section 13 of 2002 PA 733, MCL 338.3523, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4 and 2011-4, MCL 445.2001, MCL 445.2011, MCL 445.2025 and MCL 445.2030.

The proposed revisions to the Michigan Boiler rules will adopt the 2010 edition with the 2011a addenda of the American Society of Mechanical Engineers (ASME) Code and the 2011 National Board Inspection Code and 2009 edition of ASME Controls and Safety Devices (CSD-1). The rule update will allow Michigan to adopt the national standards to assure that boilers are manufactured, installed, and inspected to the most current standards. The hearing is being conducted by the Department under the authority of Section 4, 4a and 13c of 1965 PA 290, MCL 408.754, MCL 408.754a, and MCL 408.763c, and executive reorganization order nos. 2003-1, 2008-4 and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030.

The proposed Elevator Safety Board rules will update the Michigan Elevator Rules by adopting the following national standards; the ASME A17.1-2010, ASME A18.1-2011 and A90.1-2009. The standards cover the design, construction, operation, inspection, testing, maintenance, alteration, and repair of elevating devices. The adoption of national standards assures that elevating devices are constructed, maintained, and inspected to the most current standards. The hearing is being conducted by the Department under the authority of Section 8 of 1967 PA 227, MCL 408.808 and section 3 of 1976 PA 333, MCL 338.2153, Executive Reorganization Order Nos. 2003.1, 2008-4 and 2011-4, MCL 445.2011, 445.2025, and 445.2030.

The proposed rules will be published in the June 15, 2013 *Michigan Register*. Copies of the proposed Michigan amendments to the State Plumbing Board Licensing rules, the Michigan Boiler rules, and the Elevator Safety Board rules may be obtained for a fee of \$3.00 for each rule set by submitting a check or money order made payable to the State of Michigan at the address below. You may download a free copy of the proposed amendments by visiting the Bureau's website at www.michigan.gov/bcc. The amendments are located under "What's New" on the front page of the website.

Oral or written comments may be presented in person at the hearing on July 11, 2013, or submitted in writing by mail, email, or facsimile no later than 5:00 p.m., July 11, 2013, to the Bureau's contact information below. If your presentation at the public hearing is in written form, please provide a copy to the Rules Analyst at the conclusion of your testimony at the hearing.

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Office of Administrative Services
P.O. Box 30254
Lansing, MI 48909
Telephone (517) 241-6312
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matsumotos@michigan.gov

The meeting site and parking is accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Hillary Cushman at (517) 335-2972 (voice) at least 14 days prior to the hearing. LARA is an equal opportunity employer/program.

PROPOSED ADMINISTRATIVE RULES

**DEPARTMENT OF ~~ENERGY, LABOR AND ECONOMIC GROWTH~~ LICENSING AND
REGULATORY AFFAIRS**

DIRECTOR'S OFFICE

MICHIGAN BOILER RULES

Proposed Draft April 29, 2013

Filed with the Secretary of State on

These rules take effect 30 days after filing with Secretary of State

(By authority conferred on the director of the department of ~~energy, labor and economic growth~~ **licensing and regulatory affairs** by sections 4, 4a and 13c of 1965 PA 290, **MCL 408.754, MCL 408.754a, and MCL 408.763c, and** executive reorganization order ~~no. nos. 2003-1, 2008-4 and 2011-4, MCL 408.754, MCL 408.754a, MCL 408.763c~~ **MCL 445.2011, MCL 445.2025, and MCL 445.2030**)

R 408.4012, R 408.4024, R 408.4025, R 408.4027, R 408.4031, R 408.4032, R 408.4033, R 408.4035, R 408.4036, R 408.4038, R 408.4047, R 408.4055, R 408.4057, R 408.4058, R 408.4065, R 408.4067, R 408.4069, R 408.4087, R 408.40107, R 408.4111, R 408.4114, R 408.4125, R 408.4129, R 408.4133, R 408.4149, R 408.4153, R 408.4157, R 408.4169, R 408.4171, R 408.4172, R 408.4182, R 408.4193, R 408.4197, R 408.4223, R 408.4503, R 408.4511, R 408.4520, R 408.4566, R 408.4575, R 408.4701, and R 408.5605 of the Michigan Administrative Code are amended, and R 408.4570 of the code is rescinded, and R 408.4034 is added to the Code is as follows:

PART 1. GENERAL PROVISIONS

R 408.4012 Definitions.

Rule 12. (1) "Accident" means a sudden and accidental breakdown of a boiler or a part of a boiler that results in physical damage to the boiler which necessitates the repair or replacement of the boiler or a part of the boiler. "Accident" does not mean a breakdown due to any of the following unless a unique or unusual explosion hazard exists as a result of the breakdown:

- (a) Normal erosion.
- (b) Corrosion.
- (c) Wastage of metal that requires restoration.
- (d) Leaking tubes.
- (e) Weakened metal, such as water legs or handhole areas.

(2) "Act" means 1965 PA 290, MCL 408.751 **to 408.776 and known as the boiler act of 1965.**~~et seq.~~

(3) "Aftercooler" means a device used for lowering the temperature of a boiler blowoff discharge before it enters the building drain.

(4) “Alteration” means any change in the item described on the original manufacturer’s data report that affects the pressure-containing capability of the boiler or its piping. A nonphysical change such as an increase in the maximum allowable working pressure (internal or external) or design temperature of a boiler or its piping is an alteration.

(5) “ASME,” “ASME boiler and pressure vessel code,” “ASME code,” or “code” means the boiler and pressure vessel code of the American Society of Mechanical Engineers, with addenda, as prescribed and approved by the council of the society.

(6) “Authorized inspector” means an individual who is designated as an authorized inspector by an authorized inspection agency, who holds a valid certificate of competency and national board commission with an “A” or “B” endorsement, and who is employed by the authorized inspection agency that assumes responsibility for the individual’s actions.

(7) “Board of boiler rules” or “board” means the board created by the act.

(8) “Boiler assembler” means a corporation, company, partnership, or individual who assembles a boiler that has been delivered in pieces. For ASME code section I power boiler assemblies, a boiler assembler shall possess the appropriate code symbol stamps.

(9) “Boiler blowoff piping” means the piping, fittings, and valves from the boiler to the blowoff tank, blowoff separator, or other safe point of discharge through which the water in the boiler may be blown out under pressure, except for drains such as those used in water columns, gauge glasses, or piping to feed water regulators and similar devices.

(10) “Boiler blowdown vessel” means an unfired pressure vessel into which water is discharged above atmospheric pressure from a boiler blowoff line.

(11) “Boiler installation” means the installation of a boiler, including all connected piping, valves, fittings, flanges, firing equipment, controls, appurtenances, and auxiliaries. The term includes the field assembly of boilers.

(12) “CSD-1” means the ASME code for controls and safety devices for automatically fired boilers.

(13) “Certificate of competency” means a certificate issued to a person who has passed an examination for inspectors prescribed by the board of boiler rules.

(14) “Chief inspector” means the chief boiler inspector appointed under the act.

(15) “Condemned boiler” means a boiler that has been inspected and declared unsafe or rejected for use by an inspector who is qualified to take such action and who has applied a stamping or marking designating its rejection.

(16) “Department” means the department of ~~energy, labor and economic growth~~ **licensing and regulatory affairs**.

(17) “Deputy inspector” means an inspector who is licensed under the act and ~~appointed~~ **employed** by the director.

(18) “Existing installation” means and includes any steam boiler constructed, installed, placed in operation, or contracted for before August 10, 1917, or any hot water heating or supply boiler constructed, installed, placed in operation, or contracted for before the effective date of these rules.

(19) “External inspection” means an inspection which is conducted while the boiler is under pressure and which does not involve examination of the internal surfaces of the pressure parts of the boiler.

(20) “Field assembly” means assembling prefabricated boiler pressure parts without field welding or riveting.

(21) “Field erection” means the erecting and assembling of boiler parts by welding, riveting, or other fabrication processes.

(22) “Flash tank” means a closed vessel equipped with internal baffles or an apparatus for the purpose of separating moisture from flash steam as it passes through the vessel.

(23) “Hobby” means an interest or activity that a person pursues in his or her leisure time without compensation.

(24) “Hot water heating and hot water supply boiler” means a boiler that operates at pressures of not more than 160 psi or temperatures of not more than 250 degrees Fahrenheit, at or near the boiler outlet.

(25) “Incompetence” means a departure from, or a failure to conform to, minimal standards of acceptable practice for the occupation.

~~(25)~~(26) “Inspector” means an individual who holds a valid certificate of competency and national board commission.

~~(26)~~(27) “Internal inspection” means an inspection made when a boiler is shut down and handholes or manholes are opened for inspection of the interior.

~~(27)~~(28) “Labeled” means devices, equipment, appliances, or material to which have been affixed a label, seal, symbol, or other identifying mark of a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of the production of the items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

~~(28)~~(29) “Licensed boiler installer” means a person licensed under the act to engage in the business of making piping connections to a boiler or in the business of field-assembling boilers.

~~(29)~~(30) “Licensed boiler repairer” means a person licensed under the act to engage in making or supervising all phases of boiler repair, alteration, or field erection.

~~(30)~~(31) “Listed” means equipment, appliances, or material included in a list published by a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of production of listed equipment, appliances, or materials, and whose listing states either that the equipment, appliances, or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner. The authority having jurisdiction shall utilize the system employed by the listing organization to identify a listed product.

(32) “Maximum allowable working pressure” or “MAWP” means the maximum gage pressure permissible for boiler to operate.

(33) “Maximum operating pressure” means the maximum operating pressure of the complete boiler system as designed, which shall include supply, return, feed, and blow off piping.

~~(34)~~(34) “Mechanical assembly” means the work necessary to establish or restore a pressure retaining boundary whereby pressure retaining capability is established through a mechanical, chemical, or physical interface.

~~(32)~~(35) “Mechanical repair” means a method of repair which restores a pressure retaining boundary to a safe and satisfactory operating condition, where the pressure retaining boundary is established by a method other than welding or brazing.

~~(33)~~(36) “Miniature boiler” means a power boiler that does not have any of the following:

- (a) An inside diameter of the shell of more than 16 inches.
- (b) A working pressure of more than 100 psig.
- (c) A gross volume of more than 5 cubic feet.
- (d) More than 20 square feet of heating surface.

~~(34)~~(37) “Miniature locomotive boiler” means a miniature hobby steam locomotive boiler which operates on a narrow gauge track that is less than 24 inches wide and which is for public display or use.

~~(35)~~(38) “Modular boiler” means a steam or hot-water heating assembly consisting of a grouping of individual boilers called modules, intended to be installed as a unit, with a single inlet and a single outlet. Modules may be under 1 jacket or may be individually jacketed.

~~(36)~~(39) “NBIC” means national board inspection code.

~~(37)~~**(40)** “New boiler” means a boiler constructed, installed, placed in operation, or contracted for after July 1, 1966.

~~(38)~~**(41)** “Nonstandard boiler” means a boiler that does not bear the national board stamping or the stamp of any state or political subdivision which has adopted a standard of construction equivalent to that required by the board of boiler rules.

~~(39)~~**(42)** “Owner or user” means a person, firm, partnership, or corporation that owns or operates a boiler within this state.

~~(40)~~**(43)** “Out-of-use boiler” means a boiler not ready for use having the fuel supply, electricity, and all piping that may pressurize the boiler disconnected.

~~(41)~~**(44)** “Portable boiler” means a boiler which is primarily intended for temporary location and which is, by its construction and usage, obviously portable.

~~(42)~~**(45)** “Pressure-retaining items” means any boiler, pressure vessel, piping, or material used for the containment of pressure, either internal or external. The pressure may be obtained from an external source, or by the application of heat from a direct source, or any combination thereof.

~~(43)~~**(46)** “Reinstalled boiler” means a boiler which is removed from its original setting and which is reinstalled at the same location or reinstalled at a new location.

(47) “Reinstatement” means the granting of a license or registration, with or without limitations or conditions, to a person whose license or registration has been suspended by the chief inspector.

~~(44)~~**(48)** “Rental boiler” means a boiler which is in temporary use for not more than 1 year and which may or may not be installed inside a boiler room, temporary room, or temporary shed or without external covering.

~~(45)~~**(49)** “Repair” means the work necessary to restore a boiler or its piping to a safe and satisfactory operating condition.

~~(46)~~**(50)** “Safe point of discharge” means a point of discharge that will protect personnel and property from injury due to discharge.

~~(47)~~**(51)** “Special inspector” means a boiler inspector who holds a license in the state of Michigan pursuant to 1965 PA 290, MCL 408.751 **to 408.776 et seq.** and who is regularly employed by an insurance company authorized to insure against a loss from boiler accidents in this state or by any city that is exempt under the act and has an authorized boiler inspection department.

~~(48)~~**(52)** “Standard boiler” means a boiler that bears the stamp of the national board of boiler and pressure vessel inspectors or of another state or political subdivision which has adopted a standard of construction equivalent to that required by the board of boiler rules of this state.

~~(49)~~**(53)** “Traction boiler” means a boiler designed for the express purpose of pulling farm equipment or to convert steam power into flywheel energy driving farm apparatus such as threshers, saws, or grinding equipment.

~~(50)~~**(54)** “Used boiler” means a boiler that is being reinstalled by the same owner.

~~(51)~~**(55)** “Water heater” means a heater for use in commercial or industrial sizes providing corrosion resistance for supplying potable hot water at pressures not exceeding 160 psi or temperatures not exceeding 210 degrees Fahrenheit. A water heater that does not exceed any of the following is exempt from these rules:

- (a) A heat input of more than 200,000 BTU per hour.
- (b) A water temperature of more than 210 degrees Fahrenheit.
- (c) A nominal water-containing capacity of more than 120 gallons.

(56) Terms defined in the act have the same meanings when used in these rules.

R 408.4024 Adoption of NBIC by reference.

Rule 24. (1) The owner shall ensure the inspection, repair, and alteration of boilers, piping, and blowdown vessels is ~~pursuant to in accordance with~~ the NBIC, ~~2007~~**2011** edition, except as modified by these rules. The code is adopted by reference in these rules and available for inspection at the Michigan Department of ~~Energy, Labor & Economic Growth~~**Licensing and Regulatory Affairs**, Bureau of Construction Codes, ~~6546 Mercantile Way, Lansing~~**2501 Woodlake Circle, Okemos**, Michigan ~~48911~~**48864** or from the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229, at a cost as of the time of adoption of these amendatory rules for a total of ~~\$189.50~~**\$265.00**.

(2) The accreditation program described in the NBIC for repairs and alterations to pressure retaining items is mandatory for repairs to all power boilers and high pressure high temperature water boilers and alterations to any boiler not exempt by these rules. Repair companies in possession of a certificate of authorization issued by the national board of boiler and pressure vessel inspectors to repair and alter pressure retaining items shall have in their employ an individual with an appropriate class repairer license issued by the boiler division of the department. Repair companies not currently in possession of the certificate of authorization or a certificate of authorization issued by ASME shall have 1 year from the date of adoption of this rule to secure the certificate. Companies currently in possession of a valid certificate issued by ASME have until the next certificate review or 1 year, whichever is greater, to secure the certificate of authorization identified above. The board may waive the time requirement if appropriate justification is presented.

(3) Where the text of the NBIC refers to the “certificate holder,” the reference shall apply to all licensed boiler repairers, except when the reference is in relation to completion of NBIC forms and NBIC stamping, the reference shall refer to repair companies in possession of a valid certificate of authorization issued by the national board of boiler and pressure vessel inspectors to repair and alter pressure retaining items.

(4) The standard welding procedures referenced in the NBIC are accepted for use in this state, but are not mandatory. A licensed boiler repairer who elects to use 1 or more of the standard welding procedures shall file a list of the standard welding procedure identification numbers with the boiler division of the department before conducting any repairs or alterations requiring welding.

R 408.4025 ASME code; adoption by reference.

Rule 25. (1) A boiler, blow down vessel, and expansion tank shall be constructed as prescribed by these rules and the ASME boiler and pressure vessel code, sections I, II, III, IV, V, VIII, IX, X, XI, ~~2007~~**2010** edition and its ~~2008a~~**2011a** addenda, and ASME code B31.1, ~~2007~~**2010** edition, power piping, are adopted by reference in these rules and are available for inspection at the Michigan Department of, ~~Energy, Labor & Economic Growth~~**Licensing and Regulatory Affairs**, Bureau of Construction Codes, ~~6546 Mercantile Way, Lansing~~**2501 Woodlake Circle, Okemos**, Michigan ~~48911~~**48864** or from the ASME International, 22 Law Drive, Fairfield, New Jersey 07007, at a cost as of the time of adoption of these amendatory rules of ~~\$12,874.99~~**\$15,500** and ~~\$315.00~~**\$245.00** respectively.

(2) The board may accept pressure-retaining items which have been constructed to standards other than ASME standards and which have been accepted by application of the national board of boiler and pressure vessel inspectors’ criteria for registration procedure.

(3) The owner shall not recalculate design maximum allowable working pressures based on ASME codes published after 1998 for boilers in-service before December 31, 1998.

R 408.4027 Adoption; ASME code CSD-1.

Rule 27. (1) The owner shall ensure that the installation, maintenance, operation, and testing of controls and safety devices is ~~pursuant to in accordance with~~ manufacturer's instructions and ASME code CSD-1, ~~2006~~ **2009** edition, except as modified by these rules. The code is adopted by reference in these rules and available for inspection at the Michigan Department of ~~Energy, Labor & Economic Growth~~ **Licensing and Regulatory Affairs**, Bureau of Construction Codes, ~~6546 Mercantile Way~~ **2501 Woodlake Circle, Lansing** ~~Okemos~~, Michigan ~~48911~~ **48864** or from the ASME, 22 Law Drive, Fairfield, New Jersey 07007, at a cost as of the time of adoption of these amendatory rules of ~~\$85.00~~ **\$89.00**.

(2) An owner or user of a boiler system shall ensure that the maintenance and testing of controls and safety devices is conducted by an individual with a valid mechanical contractor license with the appropriate classification pursuant to **the Forbes mechanical contractors act**, 1984 PA 192, MCL 338.971 ~~et seq.~~ **to 338.988. Individuals conducting maintenance and testing shall be under the guidance and supervision of a licensed mechanical contractor.**

(3) An owner or user shall provide the inspector, at the time of certificate inspection, with evidence showing **the maintenance has been performed and** what tests have been completed ~~annually~~. The evidence shall be a dated and signed service report or checklist, listing each control and safety device tested with the manufacturer's name, model number, set point, and actual operational test point. ~~An example~~ **Examples** of a report or checklist may be found in CSD-1, ~~2006~~ **2009** edition, appendix C **or example form exhibit A**. If an owner does not provide the inspector with the required evidence of **maintenance and annual testing for each year** between certificate inspections, then the inspector may issue a certificate of inspection for a term less than that stated in R 408.4057.

Exception: For hot water heating **and hot water supply** boilers with a BTU input of 400,000 or less, the requirements of this rule need only be conducted once during an inspection cycle but shall be performed within 12 months ~~before prior to~~ the certificate inspection required by R 408.4057(1)(c).

(4) The owner, user, or operator of a boiler system shall ensure that the daily, weekly, and monthly operational checks are performed and documented pursuant to the manufacturer's instructions and these rules. If the manufacturer's instructions are not available, CSD-1, ~~2006~~ **2009** edition, nonmandatory appendix D contains a recommended checklist for additional information on periodic checks.

(5) A manually operated remote shutdown switch as required by CSD-1, ~~2006~~ **2009** edition, shall be located outside of each exit access doorway to the boiler room. The switch may be located just inside each exit access doorway should a possibility of tampering or weather conditions exist. A licensee may request a deviation from the requirements of this subrule by submitting drawings clearly showing the deviation and stating justification for the request to the chief inspector for review and approval before the installation of a boiler. The chief inspector shall notify the licensee of the approval or denial of the request.

(6) A single manually-operated remote shutdown switch may be used in a multiple boiler installation that shares a common boiler room.

Exception: Kitchen cooking boilers, steam kettles, and steam cookers used for food preparation located in a kitchen shall be exempt from a manually operated remote shutdown switch **and lockable disconnect**.

Exception: Electrically heated or gas fired jacketed steam kettles safety devices at a minimum, shall be those required in ASME Code Section-VIII Division-1 2010 and its 2011a addenda and appendix 19.

(7) Where applicable, the boiler installation shall comply with the Michigan mechanical code, R 408.30901 to R 408.30998, Michigan plumbing code, R 408.30701 to R 408.30796 and Michigan electrical code, R 408.30801 to R 408.30880.

R 408.4031 Installation and reinstallation of boilers.

Rule 31. (1) The owner shall ensure that the installation of a new boiler or a reinstalled boiler is ~~pursuant to~~ **in accordance with** the requirements of these rules, the ASME boiler and pressure vessel code, ~~2007~~ **2010** edition **and its 2011a addenda**, which is adopted by reference in R 408.4025 and the NBIC ~~2007~~ **2011** edition, which is adopted by reference in R 408.4024 **and ASME CSD-1 2009 which is adopted in R 408.4027.**

~~(2) Where applicable, the boiler installation shall comply with the Michigan mechanical code, R 408.30901 to R 408.30998, Michigan plumbing code, R 408.30701 to R 408.30796 and Michigan electrical code, R 408.30801 to R 408.30880.~~

Exception: ~~(4)~~ The ASME code requirement for the completion of a P4B data report for the installation of mechanically assembled boiler external piping is not required.

~~(2) The NBIC code, part 1, section 2, paragraph 2.4.4, is enforced by the Michigan plumbing code, R 408.30701 to R 408.30796.~~

Exception: ~~(3)~~ Witnessing of the pressure test required by the NBIC part 1, section 2, paragraph 2.10.2, is not required.

Exception: For a water tube or coil type boiler requiring forced circulation a temperature differential system that senses the water temperature difference (delta T) between inlet and outlet across the boiler, and interrupts the fuel to the burner when the delta T exceeds the boiler manufacturers' parameters, shall be accepted when approved by the boiler manufacturer. The manufacturer of the boiler shall provide instructions in the owner's manual for the testing, operation, and installation of the temperature differential system.

~~(2) The NBIC code, part 1, section 2, paragraph 2.4.4, is enforced by the Michigan plumbing code, R 408.30701 to R 408.30796.~~

(2) Where applicable, the boiler installation shall comply with the Michigan mechanical code, R 408.30901 to R 408.30998, Michigan plumbing code, R 408.30701 to R 408.30796 and Michigan electrical code, R 408.30801 to R 408.30880.

(3) The NBIC code, part 1, section 2, paragraph 2.4.4, is enforced by the Michigan plumbing code, R 408.30701 to R 408.30796.

(4) The NBIC code, part 1, section 3, paragraph 3.6.1, is enforced by the Michigan mechanical code, R 408.30901 to R 408.30998.

R 408.4032 Non-boiler external piping; power boilers; adoption of standards by reference.

Rule 32. (1) The owner shall ensure that the installation of piping not covered by the ASME boiler and pressure vessel code, section I, ~~2007~~ **2011** edition, and its ~~2008a~~ **2011a** addenda is installed as prescribed by the ASME code for pressure piping, B31.1, ~~2007~~ **2010** edition **and its 2011a addenda**, adopted by reference in R 408.4025.

(2) The owner of a chemical plant or petroleum refinery shall comply with subrule (1) of this rule or shall ensure the installation is installed as prescribed by the ASME code for chemical plants and petroleum refineries, B31.3, ~~2007~~ **2010** edition **and its 2011a addenda.**

(3) A licensee under this rule is not required to possess an ASME code symbol stamp, but shall hold a valid installer's license.

(4) The owner shall ensure that the installation of all of the following piping is **pursuant to** ~~in accordance with~~ subrule (1) of this rule:

- (a) Blowoff piping beyond the second valve out to the safe point of discharge.
- (b) Steam piping out to the load.
- (c) Feed-water piping from the pump.
- (d) Condensate piping.

R 408.4033 Permits; documentation for installation, reinstallation, alteration, and repair of boilers, boiler external piping, and non-boiler external piping.

Rule 33. (1) All of the following provisions apply to installation permits:

(a) A person shall not install, or reinstall, a boiler without holding a proper license and first securing a permit from the boiler division of the department. The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured.

(b) A person shall not install or replace welded pipe without holding a proper license and first securing a permit from the boiler division of the department. The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured.

(c) A person shall not install nonwelded pipe without holding a proper license. A permit is not required.

(2) All of the following provisions apply to repair and alteration permits or reports:

(a) A person shall not alter or repair a boiler without holding a proper license and first securing a permit from the boiler division of the department. The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured, except as provided by section 18 of the act.

(b) A person shall not repair or replace welded piping without holding a proper license and first securing a permit from the boiler division of the department. The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured, except as provided for in section 18 of the act.

(c) A person shall not replace nonwelded piping without holding a proper license. A permit is not required.

(d) A person shall not perform welded repairs to nonwelded piping without holding a proper license and first securing a permit from the boiler division of the department. The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured, except as provided for in section 18 of the act.

(e) A licensee who makes welded repairs to boilers or boiler external piping requiring the use of the national board “R” symbol stamp shall furnish the boiler division of the department, with 1 copy of the approved permit application, along with reports as required by the NBIC, upon completion of the work.

~~(f) A public utility or industrial plant that has been granted exemption under section 23 of the act that makes a welded repair to a boiler or boiler external piping, as defined in section I of the ASME code, shall furnish the boiler division of the department with a completed repair report on forms prescribed by the boiler division.~~

~~(g)~~(f) A public utility or industrial plant that has been granted an exemption under section 23 of the act that makes a welded repair to non-boiler external piping shall maintain records of the repairs and make the records available for review as required by the board of boiler rules.

(3) A permit is required for **either of the following**: ~~a change in use of an existing boiler or replacement by mechanical methods, without welding, of section in sectional boilers; heat exchangers; feed water heater or economizer; and tube bundles. A license replacing boiler components required by these rules to be code symbol stamped and national board registered shall provide the boiler division with the manufacturer’s data reports.~~

(a) A change in use of an existing boiler from high pressure to low pressure and low pressure to high pressure, hot water heat to hot water supply and hot water supply to hot water heat, steam heating to hot water heating and hot water heating to steam heating, steam heating to hot water supply and hot water supply to steam heating shall comply with the requirements of the Michigan boiler code, R 408.4001 to R 408.5609.

(b) Replacement by mechanical methods, without welding, of sections in sectional boilers; heat exchangers; feed water heater or economizer; and tube bundles.

(4) A licensee replacing boiler components required by these rules to be code symbol stamped and national board registered shall provide the boiler division with the manufacturer's data reports.

~~(4)(5) Any changes in the scope of work stated on the original permit application shall be submitted to the inspector for review and approval and reported to the boiler division~~ **for approval.**

R 408.4034 Public utility or industrial exemption.

Rule 34. (1) Practices and procedures for the exemption of licensing and permitting as referenced in section 23 of the act, MCL 408.773 consist of all of the following:

(a) The boiler(s), boiler external piping, and non-boiler external piping shall be owned and operated by the public utility or industrial facility.

(b) Have in effect a quality program which shall be in the form of a quality manual.

(c) The quality program, at a minimum, shall address the required features relative to the scope of work to be preformed. The scope of work related to repairs or replacements to boiler(s), boiler external piping, non-boiler external piping, and boiler replacements.

(2) The outline of the quality program shall include the following:

(a) Title page: name and complete address of the company.

(b) Contents page: a listing of the contents of the manual by subject.

(c) Scope of work: clearly indicates the scope of work.

(d) Statement of authority: a corporate resolution or policy recognizing its obligation under the act for compliance at all times and naming the person having responsibility and authority for the scope of work.

(e) Manual control: provisions for revising and issuing those revisions to maintain the manual current within the organization.

(f) Material control: method used to assure that only acceptable materials (including welding material) are ordered, verified, and identified in storage.

(g) Method of performing work: documenting repairs in sufficient detail. Both of the following shall be documented:

(i) When repairs are conducted on boiler(s) or boiler external piping the inspector must have prior acceptance of the method of repairs.

(ii) The quality program shows who is responsible to notify the inspector of any boiler or boiler external piping repair work, and keeps him or her apprised of the progress of such work.

(h) Shall describe controls to ensure qualified welding procedures and welders qualified to those procedures are used for repairs.

(i) Nondestructive examination (NDE) and heat treatment: shall describe controls for NDE and heat treatment procedures.

(j) Examinations and tests: what examination and tests are to be conducted upon completion of the repair.

(k) Acceptance and inspection of repairs: the individual responsible for acceptance of repairs.

(l) Inspections: provisions for the inspector to have access to areas where repair work is being performed.

(m) Report of boiler repair: indicate the person responsible for preparing, signing, and presenting the record of welded (RWR) form to the inspector and sending it to the boiler division.

(n) Nonconforming items: have a system for the correction of nonconformities.

(o) Exhibits: forms referenced in the quality manual shall be included.

(3) The boiler owner shall maintain a maintenance record, subject to audit by state inspectors, for each boiler. The maintenance record shall contain an adequate description of each abnormal event, modification, repair, hydro test, internal or external inspections, and off-normal operations.

(4) The boiler owner shall contract with an approved third-party inspection and insurance company for boiler and boiler external piping repairs.

(5) All welders working on boilers or piping within the quality program shall be employees of the utility or industrial facility.

(6) All welding, heat treatment, non-destructive examination, and testing procedures shall be qualified pursuant to the ASME code.

(7) The boiler owner shall maintain documentation between each audit of non-boiler external piping repairs or replacements.

(8) Third-party employees or contractors shall not work under the exemption program for the applicant related to installation or repairs.

(9) The boiler division shall be notified prior to any boiler replacements.

(10) The applicant shall prepare and file with the boiler division an appropriate record of a welded repair form, signed by a commissioned inspector, with the boiler division. The applicant shall submit to the boiler division the record of welded repair form within 180 days after the completion of the repair.

(11) Upon the boiler board approval of the exemption program, a public utility or industrial plant shall be granted relief from licensing and permit requirements of the act for repairs to boiler and piping and the installation of a direct boiler replacement.

(12) Failure to comply with any of the provisions of this rule shall constitute just cause for revocation of the exemption status.

(13) The chief of the boiler division shall cause an audit of the exemption program to be conducted at least once every 3 years, to ensure continued compliance with the boiler act and the board's requirements and these rules.

R 408.4035 Permits; issuance to licensed persons only.

Rule 35. (1) Permits shall be issued only to persons licensed as required by the act and these rules. Work shall be performed by or under the supervision of a licensed person.

(2) **Payment of the permit application fee as provided in R 408.4038 is the responsibility of the licensed person.**

R 408.4036 Multiple contractors.

Rule 36. Each contractor performing separate work on the same boiler installation, **repair, or alteration** shall possess a valid boiler installer's **or boiler repairer's** license and shall obtain a permit ~~to install~~ for that part of the ~~work installation he is to perform~~ **to be performed**.

R 408.4038 Fees.

Rule 38. (1) Fees for licenses, examinations, boiler operator and stationary engineer registration; ~~permits~~**permit applications**, certificates, and inspections are as follows:

Licenses

Installer license	\$80.00.
Installer exam	\$100.00.
Installer renewal.....	\$80.00.
Repairer license.....	\$80.00.

Repairer exam	\$100.00.
Repairer renewal	\$80.00.
Inspector license	\$80.00.
Inspector exam	\$100.00.
Inspector renewal	\$50.00.
Boiler operator registration	\$80.00.
Boiler operator examination	\$100.00.
Boiler operator registration renewal	\$80.00.
Stationary engineer registration	\$80.00.
Stationary engineer written examination	\$100.00.
Stationary engineer registration renewal	\$80.00.
3 rd class stationary engineer oral examination	\$150.00.
2 nd class stationary engineer oral examination	\$200.00.
1 st class stationary engineer oral examination	\$250.00.
The reprinting of a registration more than 30 days after the issuance date.....	\$30.00.

Examination fees are nonrefundable.

Permit applications

Nuclear installation permit application	\$1,380.00.
Nuclear repair permit application	\$400.00.
Low-pressure installation permit application	\$75.00.
High pressure installation permit application	\$120.00 +.05 per foot of piping.
Repair permit application.....	\$75.00.

Permit application fees are nonrefundable.

Certificates

Certificates	\$60.00.
Reprinting of certificate more than 30 days after the issuance date	\$30.00.

Inspections

Power boilers-150 square feet or less	\$70.00.
Power boilers-more than 150 square feet to 4,000 square feet	\$165.00.
Power boilers-more than 4,000 square feet to 10,000 square feet	\$180.00.
Power boilers-more than 10,000 square feet	\$205.00.
Low-pressure heating boiler without manhole	\$70.00.
Inspection of an additional low-pressure heating boiler without a manhole at the same physical location, on the same date	\$60.00.
Low-pressure heating boiler with manhole	\$85.00.
Low-pressure hot water supply boiler	\$60.00.
Inspection of an additional low-pressure hot water supply boiler at the same physical location, on the same date	\$45.00.
Low-pressure process boiler without manhole	\$70.00.

Low-pressure process boiler with manhole	\$85.00.
Miniature hobby locomotive boiler	\$15.00.

Special inspections

(2) The boiler division shall provide special inspections not otherwise covered in ~~the fee schedule~~ **subrule (1) of this rule**. The charge for this service shall be at the rate of \$100.00 for the first hour and \$100.00 for each additional hour, plus lodging, meals, transportation, and other related expenses incurred for performing special inspections.

(3) Fees required under these rules shall be paid by cash, money order, or check to the department. Money orders or checks shall be made payable to: "State of Michigan."

R 408.4047 Exempt boilers.

Rule 47. These rules do not apply to any of the following:

- (a) A boiler under federal control.
- (b) A swimming pool heater, open car wash heater, and similar types of equipment which do not have intervening valves on the return or discharge piping, which do not have a reduction in pipe size in the return or discharge piping, and which do not generate more than normal circulating pump pressure.
- (c) A miniature steam or marine engine used for a hobby.
- (d) A boiler used in the power plant of a self-propelled vehicle designed primarily for transportation of persons or property on a highway, except for a vehicle used exclusively on stationary rails or tracks.
- (e) A boiler used on a mint farm for mint processing purposes.
- (f) A nonvaporizing, organic fluid boiler if the boiler meets all of the following criteria:
 - (i) The system is vented and does not have valves or restrictions in the pipe between the boiler and the vent.
 - (ii) The vent pipe is sized so that the thermal expansion of the fluid will not result in an increase in pressure on the system, which is verifiable with engineering data.
 - (iii) The owner or user provides the boiler division of the department with calculations performed by an engineer, which verify that pressure due to thermal expansion cannot exist in the boiler as installed.
- (g) A low-pressure steam boiler that has a volume of less than 5 cubic feet and that does not have piped feed connections.
- ~~(h) A water tube or coil type hot water heating boiler requiring forced circulation not exceeding any 1 of the following:~~

~~–(i) Maximum water temperature, of 200 degrees Fahrenheit.~~

~~–(ii) Relief valve set pressure of 30 psi.~~

~~–(iii) Heat input of 200,000 BTU/hr.~~

~~Exception. Modular or multiple boiler installations exceeding 1,000,000 BTU/hr input are not exempt.~~

R 408.4055 Right of access.

Rule 55. The director, chief inspector, ~~or any deputy inspector~~, **or any special inspector** shall have free access, during reasonable hours, to any premises in the state where a boiler is being constructed, installed, repaired, operated, or connected and ready for use for the purpose of ascertaining whether the boiler is **in compliance** ~~within accordance with~~ the act.

R 408.4057 Boiler inspection.

Rule 57. (1) Once a boiler has been inspected by the chief or deputy inspector and the boiler and its installation approved, all certificate inspections shall be conducted **pursuant to** ~~in accordance with~~ the

NBIC and these rules by an inspector who is properly licensed to inspect boilers in this state **pursuant to in accordance with** the following provisions:

(a) A power boiler, process boiler, or high-pressure, high-temperature water boiler shall receive a certificate inspection annually and shall also be externally inspected annually, while under pressure, within 6 months from the date of the internal inspection.

(b) A low-pressure steam or vapor heating boiler shall receive a certificate inspection biennially.

(c) Hot water heating and hot water supply boilers shall receive a certificate inspection triennially, with an internal inspection at the discretion of the inspector.

(d) A nonvaporizing, organic fluid boiler that is not exempt under these rules shall receive an external certificate inspection triennially.

(e) A miniature hobby locomotive boiler shall receive a certificate inspection annually.

(f) A grace period of 2 months beyond the periods specified in subdivisions (a) to (e) of this subrule may lapse between certificate inspections, and the board may permit longer periods between certificate inspections.

(g) Internal inspection of cast boilers shall be at the discretion of the inspector.

(2) The certificate inspection shall be an internal inspection if construction allows, otherwise the certificate inspection shall be as complete an inspection as possible unless specified otherwise under this rule.

(3) The chief inspector, deputy inspector, or a special inspector provided for in the act shall make the inspections specified in this rule.

(4) If, at the discretion of the inspector, a hydrostatic test is necessary, the boiler owner or user shall ensure that the test is performed in the presence of the inspector.

(5) Certificate inspection reports submitted by electronic interface shall be in a format acceptable to the boiler division.

(6) Certificate inspection reports submitted to the boiler division for data entry shall be assessed a fee of \$2.00 per report.

R 408.4058 Extension of internal inspection certificate to 24 **or 36** months.

Rule 58. (1) An internal boiler inspection may be increased from an annual inspection to a 24-month inspection frequency by approval of the board of boiler rules. An employee delegated by the utility or industrial facility shall apply for the extension **and submit a copy of the document that controls its program for approval by the board of boiler rules.** The following information shall be addressed by plant orders, procedures, or policies. **The following information may be contained in 1 document or several documents if 1 document contains references to all other documents addressing the required information:**

~~(a)~~**(i)** Operator training.

~~(b)~~**(ii)** Boiler maintenance.

~~(c)~~**(iii)** Water chemistry.

~~(d)~~**(iv)** Operating parameters.

~~(e)~~**(v)** Chemical cleaning schedule.

~~(f)~~**(vi)** Protective devices.

~~(g)~~**(vii)** Boiler external inspection.

~~(h)~~**(viii)** Testing of pressure relief **devicesvalves pursuant to in accordance with** the NBIC. Repairs shall be conducted by the valve manufacturer or a “VR” stamp holder.

~~The information may be contained in 1 document or several if 1 document contains references to all other documents addressing the required information.~~

(2) The plant owner shall establish a review committee. The inspector shall be a member of the committee. The purpose of the committee is to determine the acceptability of a boiler to operate safely for a 24-month period. The committee shall have access to and review all information pertaining to the past operation, maintenance, and repair of the boiler. The review committee meeting shall be conducted within 30 days after the internal inspection. The committee may decrease the period of time the boiler may operate, but shall not extend the period beyond 24 months. The signed summary report of the review committee meeting shall be submitted to the boiler division of the department. The grace period provided under R 408.4057 does not apply to this rule. The inspector shall indicate the next inspection due date on his or her inspection report to the boiler division of the department.

(3) An internal boiler inspection may be increased from a 24-month inspection to a 36-month inspection frequency by approval of the board of boiler rules. An employee designated by the utility or industrial facility shall request in writing the extension and shall submit a copy of the document that controls its program with supporting documentation that demonstrates compliance with all of the following for approval by the board of boiler rules:

(a) The boiler complies with all of the requirements of subrule (1) of this rule, and is currently inspected under 24-month inspection frequency approved by the board of boiler rules.

(b) The boiler is a power boiler.

(c) The following information shall be addressed by the program document, plant orders, plant procedures, or plant policies:

(i) The boiler is fully attended during operations by qualified personnel designated by the owner to operate the boiler.

(ii) The owner has a designated organization that provides oversight to boiler maintenance, and monitors boiler conditions to prevent significant deterioration from scaling, corrosion, erosion, or overheating to boiler components. The program document shall contain an organizational chart that delineates the reporting structure of this organization along with the organization responsible for boiler operation and maintenance within the owner's organization.

(iii) The owner has installed instrumentation available and functioning for continuous monitoring of water chemistry parameters as identified by the boiler manufacturer and routine calibration is performed. This instrumentation shall be maintained on a list for each boiler that applies to this paragraph.

(iv) The owner has a program for routine monitoring of the water chemistry condition, which includes physical samples being analyzed by the owner's staff. The owner shall maintain a list of the physical samples for each boiler that applies to this paragraph.

(v) The owner has alarm response procedures that provide direction to operators for actions to correct variations to chemistry parameters that include removing the boiler from service.

(d) The establishment of a review committee whose purpose is to determine the acceptability of a boiler to operate safely for a 36-month period. The review committee shall be made of, at a minimum, the following members:

(i) A representative from the owner's boiler operating and maintenance organization.

(ii) A representative from the owner's organization designated to provide oversight to boiler maintenance and monitoring of boiler condition.

(iii) The inspector.

(e) The review committee shall have access to and review all information pertaining to the past operation, maintenance, and repair of the boiler.

(f) The review committee meeting shall be conducted within 30 days after the internal inspection. The review committee may shorten the period of time the boiler may operate, but shall not extend the period beyond that permitted by the board of boiler rules.

(g) **The summary report of the review committee meeting shall be submitted to the boiler division of the department.**

(h) **The grace period provided under R 408.4057(1)(f) shall not apply to this rule. The inspector shall indicate the next inspection due date on the inspection report submitted to the boiler division of the department.**

(3) Utilities or industrial facilities with a prescheduled boiler internal certificate inspection period shall communicate with the boiler division the date when the boiler is removed from service. The boiler internal inspection may occur at any time during the outage period. The next ~~24-month~~ operating period shall be calculated based on the date of the certificate inspection conducted during this period.

(4) An external inspection of the boiler shall be conducted while under pressure, within 12 months of the certificate inspection, **and every 12 months thereafter until the next boiler internal inspection.**

R 408.4065 Examinations for inspector licenses; ~~place and time.~~

Rule 65. (1) Examinations for boiler inspector licenses and certificates of competency shall be held at a location selected by the ~~board~~ **boiler division of the department**, ~~4 times each year, on the first Wednesday and Thursday in March, June, September, and December.~~

(2) Examinations shall be conducted as approved by the board.

R 408.4067 Qualifications of applicants for a boiler inspector license.

Rule 67. An applicant for examination for a boiler inspector license shall have had not less than 3 years' practical experience in the design, construction, or operation of high pressure boilers, as mechanical engineer, steam engineer, or boilermaker or shall have had not less than 3 years' inspection experience as an inspector of high pressure boilers. A credit of 2 years of the required experience shall be given to applicants holding ~~an engineering~~ **in engineering, mathematics, or science** from an accredited college ~~of engineering~~ **or university.**

R 408.4069 Examination; contents of applications.

Rule 69. Application for an examination for a certificate of competency shall be in writing upon a form to be furnished by the ~~director~~ **department** stating the ~~school~~ education of the applicant, a list of ~~his~~ employers, ~~his~~ period of employment, and position held with each employer. An application containing a willful falsification or untruthful statement shall be rejected.

R 408.4087 Reporting unregistered boilers.

Rule 87. (1) If a special inspector visits a location to conduct an inspection as required by these rules, then he or she shall report the location of all boilers that are not registered. The ~~report~~ **reporting** shall be in addition to the ~~report~~ **reporting** pertaining to the inspection of registered boilers and their installation. The chief inspector shall assign a deputy inspector to visit the location to inspect all unregistered boilers and affix a Michigan serial number.

(2) If an inspector makes an inspection of a boiler that does not bear a Michigan serial number, then the inspector shall attempt to verify whether the boiler is unregistered or is missing the serial number tag. If the inspector is unable to determine that the boiler is registered, then he or she shall report it as prescribed in subrule (1) of this rule.

R 408.4107 Annual renewal of boiler installer's license; change of business affiliation.

Rule 107. (1) A boiler installer's license shall be renewed annually upon payment of a fee as prescribed by R 408.4038.

(2) An installer's license shall expire on December 31 of each year and shall be renewed. An application for renewal shall be submitted to the boiler division of the department between September 30 and December 31. A license that is not renewed by January 1 shall be voided and may be reinstated only upon application for reinstatement and payment of both the renewal fee and a reinstatement fee of \$80.00. A person requesting renewal of a license within 3 years after the license is voided pursuant to this subrule is not subject to reexamination for the license, but shall pay both the reinstatement fee and the annual license renewal fee for the current renewal year. A person who fails to renew a license for 3 consecutive years shall meet the requirements of, and take an examination for, the class of license sought.

(3) A licensee who changes business affiliation shall notify the chief inspector, on a form provided by the boiler division of the department, of the name and address of the new business affiliate under which the licensee intends to use his or her license. A fee of ~~\$25.00~~ **\$30.00** shall accompany the notification form.

R 408.4111 Boiler installer's installation responsibility.

Rule 111. All boiler installations shall be made ~~pursuant to~~ **pursuant to** ~~accordance with the American society of mechanical engineers boiler code, and pursuant to~~ **accordance with R 408.4025 and R 408.4027.** ~~these rules.~~ Any deviation from these requirements **shall be considered incompetence on behalf of the licensee and** is cause for suspension or revocation of the boiler installer's license.

R 408.4114 Inspection of components and systems in a nuclear power plant.

Rule 114. (1) Preservice (baseline) inspection, in-service inspection, repair, replacement, modification, alteration, examination, testing, records, and reports of individual nuclear components, parts, appurtenances, piping, supports, nuclear systems, applicable associated auxiliary systems, and complete nuclear power plants that are in compliance with all of the requirements of the construction code, at the point in time the requirements have been completed, irrespective of the physical location, shall be as prescribed in section XI, rules for in-service inspection of nuclear power plant components, of the ASME boiler and pressure vessel code. A copy of the current edition of section XI-**2010 and its 2011a addenda**, is available for inspection at the Michigan Department of Energy, ~~Labor & Economic Growth~~ **Licensing and Regulatory Affairs**, Bureau of Construction Codes, ~~6546 Mercantile Way~~ **2501 Woodlake Circle, Lansing** ~~Okemos, Michigan 48911~~ **48864** or from the ASME International, 22 Law Drive, Fairfield, New Jersey 07007, at a cost as of the time of adoption of these amendatory rules of ~~\$610.00~~ **\$700.00**.

(2) The owner of a nuclear power plant shall file inspection plans and schedules, pump and valve testing programs, and requests for relief from section XI of the ASME code requirements with the boiler division of the department.

(3) The nuclear power plant shall maintain compliance with requirements, as prescribed by the nuclear regulatory commission.

R 408.4125 Annual renewal of boiler repairer's license; change of business affiliation.

Rule 125. (1) A boiler repairer's license shall be renewed annually upon payment of a fee as prescribed by R 408.4038.

(2) A repairer's license shall expire on December 31 of each year and shall be renewed. An application for renewal shall be submitted to the boiler division of the department between September 30 and December 31. A license that is not renewed by January 1 shall be voided and may be reinstated only upon application for reinstatement and payment of both the renewal fee and a reinstatement fee of \$80.00. A person requesting renewal of a license within 3 years after the license is voided pursuant to

this subrule is not subject to reexamination for the license, but shall pay both the reinstatement fee and the annual license renewal fee for the current renewal year. A person who fails to renew a license for 3 consecutive years shall meet the requirements of, and take an examination for, the class of license sought.

(3) A licensee who changes business affiliation shall notify the chief inspector, on a form provided by the boiler division of the department, of the name and address of the new business affiliate under which the licensee intends to use his or her license. A fee of ~~\$25.00~~**\$30.00** shall accompany the notification form.

R 408.4129 Boiler repairer's repair responsibility.

Rule 129. It is the responsibility of a licensed boiler repairer to make all boiler repairs **pursuant to R 408.4024**~~in accordance with these rules~~ and arrange for the required inspections with an inspector before work is started. Any deviation from these requirements **shall be considered incompetence on behalf of the licensee and** is cause for suspension or revocation of the boiler repairer's license.

R 408.4133 Reports of inspection to be filed.

Rule 133. (1) Each company employing licensed boiler inspectors, within 30 days following each boiler certificate inspection made by the inspectors, shall file a report of the inspection with the chief inspector upon appropriate forms provided by the boiler division. ~~Reports of external inspections shall not be required except when such inspections disclose that the boiler is in dangerous condition. Manufacturers or national board numbers shall be reported on all reports of inspection.~~

(2) Certificate inspections reports submitted by electronic interface shall be in a format acceptable to the boiler division of the department.

(3) Certificate inspection reports submitted to the boiler division of the department for data entry shall be assessed a fee of \$2.00 per report.

(4) Reporting of non-certificate external inspections shall not be required except when such inspections disclose the boiler is in a condition where a violation is issued pursuant to R 408.4149.

~~(2)~~**(5)** The inspector shall leave a signed and dated inspection sticker or inspection report at the inspection location.

~~(3)~~**(6)** The inspector shall record his or her national board of boiler and pressure vessel commission number on the inspection report.

R 408.4149 Notice of violation.

Rule 149. **(1)** A written notice of violation containing the ~~code deficiencies~~**code deficiencies**~~corrections necessary~~ shall be sent to, or served upon, the owner or user by the chief inspector, deputy inspector, or special inspector advising of the existing conditions and stating a **compliance date**~~time limit within which when the violation correction ordered must shall be completed corrected. If the code deficiencies are not corrected by the compliance date, the violation~~ notice shall serve as a notice of suspension of the certificate. ~~of inspection upon a failure to comply with a correction order by the compliance date.~~

(2) When the notice of violation is issued as a **certificate blocking**, the inspection certificate shall **be suspended and** ~~notice of suspension of a certificate of inspection or as a rejection or condemnation of the boiler, a copy of the~~ **a written notice shall be given to the owner or user at the time of the violation issuance.** ~~posted adjacent to the inspection certificate. The suspension of an inspection certificate~~ **The certificate blocking violation** shall continue in effect until the boiler has been made to conform to these rules and until the certificate has been reinstated.

(3) A fee shall be charged **pursuant to** ~~in accordance with~~ R 408.4038 (2) for all follow-up visits by the chief inspector or deputy inspector.

R 408.4153 Operation of boiler under pressure without valid certificate prohibited; penalty.

Rule 153. (1) **An owner or user** ~~A person, firm, partnership, or corporation~~ shall not operate a boiler under pressure in this state to which these rules apply without a valid inspection certificate. ~~or at a pressure exceeding that specified on the inspection certificate.~~

(2) An owner or user who causes a boiler to be operated ~~without possessing a valid certificate or~~ at a pressure exceeding **maximum operating pressure** that is specified on the inspection certificate is subject to the penalty prescribed in section 24 of the act.

(3) When 2 or more boilers of different maximum allowable working pressure are connected to a common system, the maximum operating pressure of each boiler shall be that of the lesser boiler or boiler's maximum allowable operating pressure.

R 408.4157 Notification; defective boilers.

Rule 157. If a special inspector, upon the first inspection of a new risk, finds that the boiler or any of the appurtenances are in such condition that ~~his~~**the** company refuses insurance, the company shall immediately notify the chief inspector and submit a **notice of violation** ~~report~~ of the defects.

R 408.4169 Condemned boilers.

Rule 169. A boiler which has been inspected and declared unsafe by the chief inspector, deputy inspector, or special inspector and which the owner has determined will be scrapped shall be **placed out of service and stamped or labeled** with the word "condemned." The stamping shall be as shown by the following facsimile and shall be situated in several conspicuous locations determined by the inspector.

-CONDEMNED-

R 408.4171 Removal of used boilers from ~~the~~ state.

Rule 171. (1) If an ASME boiler located in this state is to be moved to another state for temporary use or repairs, application shall be made by the owner to the chief inspector for permission to reinstall the boiler in this state as prescribed in R 408.4177.

(2) Repairs conducted outside of this state to boilers **or pressure parts of boilers** that will be reinstalled in this state shall be conducted by an organization in possession of a valid certificate of authorization to repair boilers. The organization shall conduct the repair **pursuant to** ~~in accordance with~~ the NBIC and submit all forms required by the NBIC.

R 408.4172 Nonstandard boilers; bringing into state.

Rule 172. (1) If a nonstandard boiler that is in use in this state is removed outside the boundaries of the state, it cannot be brought into the state and reinstalled without the permission of the board of boiler rules.

(2) A person may petition the board to approve the use of a nonstandard boiler. Upon receipt of the petition, the board shall cause to be conducted testing and evaluation it considers desirable for the nonstandard boiler to determine whether construction is equivalent to standards specified in R 408.4025.

(3) A boiler owner requesting to have a special installation and operational permit shall submit the following items to the board of boiler rules, as applicable, in the English language and units:

(a) A list of all existing or proposed design and service conditions, maximum allowable working pressure (MAWP), and temperature, internal and external loading, corrosion and erosion allowance, heat treatment, service requirements, or service conditions.

(b) Documentation that the manufacture of the boiler is based on requirements from the applicable ASME code section as follows:

- (i) Power boilers – section I
- (ii) Materials specifications – section II
- (iii) Nuclear power plant components – section III, division 1 and 2
- (iv) Heating boilers – section IV
- (v) Pressure vessels – section VIII, division 1 and 2
- (vi) Welding and brazing qualifications – section IX
- (vii) Fiberglass-reinforced plastic pressure vessels – section X
- (viii) Power piping – ASME B31.1

(4) If the design, construction, and certification were not based on ASME code rules, the manufacturer of the boiler shall provide a copy of the design rules used and show how they meet or exceed the ASME code requirements by providing all of the following:

(a) A complete set of design drawings showing weld joint details and construction including internal and external attachments.

(b) A list of all pressure boundary materials or those materials and the material's thickness subject to stress due to pressure and loading. The list shall include a material specification to meet or exceed the applicable ASME codes specification. If material used is a specification other than referenced in the applicable ASME code section, the manufacturer of the boiler through the owner shall submit a copy of the material specifications used in the vessel construction and indicate how it is considered equivalent to the ASME Code. Stress values used in all design calculations shall meet or exceed the maximum allowable stress values permitted for materials in the applicable ASME code section.

(c) Documentation of any mill identification, including location of identification.

(d) Manufacturers' materials test reports and traceability including test reports required by applicable code section.

(e) Welding or brazing procedure specifications and welder or brazer performance qualification records.

(f) NDE procedures and results of examinations.

(g) Record of pressure test or proof test.

(h) Documentation showing the quality assurance program used by manufacturer is equivalent to requirements of the ASME code.

(i) Identification of the inspection agency performing inspections and certifying manufacturer's data report or equivalent.

(j) Evidence of qualification or certification of the inspection agency by a jurisdictional authority.

(k) Documentation to show that inspectors making certification inspections have been certified as required by the jurisdictional authority. Individual names and commission numbers (if any) shall be provided. System of supervisory control of inspection shall be included.

(l) Documentation of fabrication inspections by the manufacturer and inspection agency.

(m) An internal and external inspection report by inspection agency inspectors.

(n) A facsimile of the nameplate or stamping.

(o) A copy of manufacturer's data report or equivalent document certified by the manufacturer and the inspection agency's inspector.

(p) **A copy of any code or standard used for design or construction.**

(5) **The original code of construction shall be used to establish the allowable stresses and joint efficiencies when calculating the MAWP of a vessel.**

R 408.4182 Steam kettles.

Rule 182. (1) A fired or electrically heated steam kettle, irrespective of size, that has piped feed connections shall be in compliance with these rules.

(2) A fired or electrically heated kettle, irrespective of size ~~without~~ ~~or~~ feed piping connections, shall be in compliance with the requirements of these rules. **Instead of an installation permit, the owner or user shall report the installation to the chief inspector before the unit is operated.** The chief inspector shall assign a deputy inspector to visit the installation location to inspect the kettle to determine its safety for operation. A kettle that is operated at or below 15 psi shall be inspected biennially. A kettle that is operated at more than 15 psi shall be inspected annually.

(3) **Steam kettles manufactured to ASME section VIII division-1 2010 and its 2011a addenda shall have the minimum appurtenances and controls that are required in mandatory appendix 19.**

R 408.4193 Stairways, ladders, platforms, and runways.

Rule 193. (1) **A licensee shall comply with NBIC part 1 sections 2.4.2 and 3.4.2 in the installation of stairways, ladders, platforms, and runways.**

Exception: A platform shall be installed at 1 end of all drums of a water tube boiler that are more than 4 feet above the floor or walkway to permit safe access to the interior of the drums for cleanout and inspection.

(2) An inspector shall notify the ~~chief inspector of an owner or user~~ who is required to conform to this rule and ~~the chief inspector~~ shall give written notice **of a violation** to the owner or user that the installation of the required stairway, runway, platform, or ladder is to be made. The owner or user shall be allowed 1 year from the date of the ~~chief inspector's notification~~ **violation** to complete the work.

(3) A licensee may request a deviation from the requirements of this rule by submitting drawings to the chief inspector for review and approval before installation of the boiler. The licensee will be notified by the chief inspector of the approval or denial of the request.

(4) **Where applicable, the boiler installation shall comply with the Michigan mechanical code, R 408.30901 to R 408.30998.**

R 408.4197 Clearance between boilers and other objects.

Rule 197. (1) A licensee performing an installation shall ~~assure that a minimum clearance of 24 inches is provided between a boiler, its controls, firing equipment, and appurtenances and the building walls and partitions or other boilers or machinery.~~ **ensure that the installation is made pursuant to the NBIC part 1 section 2.3.3 and 3.3.4.** The licensee shall assure that clearances are in accordance with the manufacturer's instructions where required clearances are greater than the minimum required by this rule. ~~The boiler owner shall assure that the clearances are maintained for the life of the boiler and shall not be infringed upon by items in storage.~~

Exception: The minimum clearance of 24 inches is provided between a boiler, its controls, firing equipment, and appurtenances and the building walls and partitions or other boilers or machinery.

(2) The licensee shall ensure that clearances are pursuant to the manufacturer's instructions where required clearances are greater than the minimum required by this rule. The boiler owner shall ensure that the clearances are maintained for the life of the boiler and shall not be infringed upon by items in storage.

~~(2)~~**(3)** The elevation of a boiler above the floor shall be as specified in the Michigan mechanical code, R 408.30901 to R 408.30998.

~~(3)~~**(4)** A licensee may request a deviation from the requirements of this rule by submitting drawings **and the manufacturer's installation requirements** to the chief inspector for review and approval before installation of the boiler. The licensee shall be notified by the chief inspector of the approval or denial of the request.

(5) Where applicable, the boiler installation clearances shall comply with the Michigan electrical code, R 408.30801 to R 408.30880.

PART 2. EXISTING INSTALLATIONS STEAM BOILERS

R 408.4223 Determining safety valve capacity.

Rule 223. (1) The relieving capacity of the safety valves on any boiler shall be checked by 1 of the 3 following methods and, if found to be insufficient, additional valves shall be provided:

(a) By making the accumulation test, which consists of shutting off all other steam discharge outlets from the boiler and forcing the fires to the maximum. The safety valve capacity shall be sufficient to prevent a rise of pressure in excess of 6% of the maximum allowable working pressure. This method should not be used on a boiler with a superheater or reheater.

(b) By measuring the maximum amount of fuel that can be burned and computing the corresponding evaporative capacity (steam generating capacity) upon the basis of the heating ~~valve~~ **value** of this fuel. These computations shall be made as outlined in the appendix of the ASME power boiler code.

(c) By measuring the maximum amount of feedwater that can be evaporated.

(2) When either of the methods outlined in subrule (1) (b) or (c) is employed, the sum of the safety valve capacities shall be equal to or greater than the maximum evaporative capacity (maximum steam generating capacity) of the boiler.

PART 3. INSPECTION AND TESTING FOR NEW CONSTRUCTION; INSTALLATION AND LATERATION OF BOILERS AND PIPING

PART 5. INSERVICE INSPECTION OF BOILERS

R 408.4503 Owner or user to prepare boiler for inspection.

Rule 503. All boilers and blowoff vessels, except for a boiler which is exempted by these rules, shall be prepared for inspection **pursuant to** ~~in accordance with~~ the NBIC and these rules by the owner or user when notified by the chief inspector, deputy inspector, or special inspector. The owner or user shall ensure that all examinations and tests required by **these rules** ~~the inspector~~ are performed.

R 408.4511 Nonvaporizing organic fluid boilers.

Rule 511. (1) A nonvaporizing organic fluid boiler is a boiler designed to heat, but not vaporize, a fluid in a closed system.

(2) The owner shall ensure that a nonvaporizing organic fluid boiler is constructed **pursuant to** ~~in accordance with~~ the ASME boiler and pressure vessel code.

(3) The owner shall ensure that stop valves are located at an accessible point in the supply and return pipe connections as near the boiler as is practicable.

(4) The owner shall ensure that a nonvaporizing organic fluid boiler has the following minimum equipment:

- ~~(a) One operating temperature control and 1 high limit temperature control.~~
(b)(a) A relief valve of sufficient capacity to relieve the excess thermal fluid as a result of thermal expansion verified by engineering calculations provided by the owner or user **to the inspector**.
~~(e)(b)~~ A thermometer graduated to not less than 133% of the expected operating temperature.
(d)(c) A pressure gauge graduated to not less than 150% of the expected operating pressure.
~~(e)(d)~~ A low level or flow sensing device suitable for operating conditions.
(5) The owner shall ensure that ~~a fuel train meets the requirements of ASME code CSD-1.~~ **the installation, maintenance, operation, and testing of controls and safety devices is pursuant to R 408.4027.**

(6) **Expansion tanks for closed systems designed to operate above 30 psi shall be constructed pursuant to ASME Section VIII, Division 1, meeting at least the pressure and temperature ratings of the system.**

R 408.4520 Failure to prepare boiler for internal inspection.

Rule 520. If a boiler has not been properly prepared for an internal inspection or the owner or user fails to comply with the requirements for hydrostatic test as set forth in these rules, the inspector may decline to make the inspection or test and ~~at the certificate~~ **blocking violation will be issued as referenced in R 408.4149** ~~of inspection shall be withheld until the owner or user complies with the requirements.~~

R 408.4566 Inspection and testing of ~~safety valves and safety relief valves~~ **pressure relief devices**.

Rule 566. Inspection and testing of ~~safety valves and safety relief valves~~ **pressure relief devices** shall be conducted ~~pursuant to in accordance with~~ the NBIC. The manual lift test addressed in the NBIC ~~at part 2, paragraph 2.5.7 (e)~~ **RB-8400** may be used instead of the pressure test required by **NBIC part 2, paragraph 2.5.7 (a) through (d)** ~~RB-8410~~.

R 408.4570 ~~Safety valve setting on boilers with direct feed.~~ **Rescinded.**

~~Rule 570. If a boiler is supplied with feedwater directly from water mains without utilizing feeding apparatus, except for return traps, the safety valve shall not be set at a pressure higher than 94% of the lowest operating pressure obtained in the supply main feeding the boiler.~~

R 408.4575 Replacement of heating or process boiler ~~safety and~~ **pressure relief valves device**.

Rule 575. When it becomes necessary to replace ~~safety or~~ **pressure relief valves devices** on low pressure heating or process boilers for any reason, the replacement shall be made with other than top-outlet type valves.

PART 6. REPAIR OF BOILERS SCOPE OF RULES FOR REPAIR BY RIVETING

PART 7. BOILER BLOWOFF SYSTEMS

R 408.4701 Design and construction of blowdown vessel reports.

Rule 701. (1) The owner shall ensure that blowdown vessels for use in the state of Michigan are designed and constructed as prescribed by these rules and the ASME boiler and pressure vessel code, section VIII, division 1, entitled "Unfired Pressure Vessels," ~~2007~~ **2010** edition, and its ~~2008a~~ **2011a**

addenda which are adopted by reference in these rules and are available for inspection at the Michigan Department of ~~Energy, Labor & Economic Growth~~ **Licensing and Regulatory Affairs**, Bureau of Construction Codes, ~~6546 Mercantile Way~~ **2501 Woodlake Circle**, ~~Lansing~~ **Okemos**, Michigan ~~48911-48864~~ or from the ASME International, 22 Law Drive, Fairfield, New Jersey 07007, at a cost as of the time of adoption of these amendatory rules of ~~\$610.00~~ **\$700.00**. National board of boiler and pressure vessel inspector document NB-27, 2004 edition, may be used as a guide for the design of blowdown tanks.

(2) The owner shall ensure that a blowdown vessel has a minimum allowable working pressure of 50 psig and that the installation complies with these rules and the vessel manufacturer's instructions.

(a) The blowdown vessel, its fittings, and connections shall be sized so that the internal pressure does not rise more than 5 psig above ambient pressure during the blowdown.

(b) The blowdown vessel shall be provided with adequate openings to facilitate internal cleaning and inspection. An internal inspection of the blowdown vessel shall be conducted during the certificate inspection of the boiler.

(c) The blowdown vessel shall be provided with the following fittings and connection openings in addition to those provided by the manufacturer for the proper installation and operation of the vessel:

(i) A vent connection.

(ii) A drain connection. A drain connection is not required on a separator.

(iii) A thermometer that has a maximum scale reading of 300 degrees Fahrenheit and that is located in the water outlet from the blowdown vessel.

(iv) A pressure gauge that is graduated from 0 to 30 psig and that is attached to the top of the steam space of the blowdown vessel.

(d) The blowdown vessel shall be installed in a location that prevents it and its connected piping from freezing and shall be installed in a manner that permits both internal and external inspection.

(3) A manufacturer shall provide the boiler division of the department; with the manufacturer's data reports. A data report that is signed by an authorized inspector, together with the ASME code symbol stamp on the vessel, is the record denoting that the blowdown vessel has been constructed **pursuant to** ~~in accordance with~~ the ASME code.

(4) The manufacturer shall register all blowdown vessels for use in the state of Michigan with the national board of boiler and pressure vessel inspector.

PART 15. HEARINGS

R408.5605 Examination; information availability.

Rule 1605. Under MCL 408.762, the ~~department~~ **board** adopts the examination prepared by the National Institute for Uniform Licensing of Power Engineers (NIULPE), Inc., 910 W. Van Buren, #220 Chicago, IL 60607 PH: 888.648.5566, Fax: 888.648.5577. The examination topics can be reviewed under the certification requirements for each level of boiler operator or stationary engineer at <http://www.niulpe.org/>. Copies of the examination topics are also available free of charge from the Michigan Department of ~~Energy, Labor & Economic Growth~~ **Licensing and Regulatory Affairs** Bureau of Construction Codes/Boiler Division ~~6546 Mercantile Way~~ **2501 Woodlake Circle**, ~~Lansing~~ **Okemos**, Michigan ~~48911-48864~~.

NOTICE OF PUBLIC HEARING

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
NOTICE OF PUBLIC HEARING

State Plumbing Board Licensing Rules (ORR# 2012-118 LR)
Michigan Boiler Rules (ORR# 2012-013 LR)
Elevator Safety Board Rules (ORR# 2012-009 LR)

The Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, will hold a public hearing on Thursday, July 11, 2013, at 9:00 a.m. in Conference Room 3, 2501 Woodlake Circle, Okemos, MI 48864. The State Plumbing Board Licensing rules are proposed to take immediate effect after filing with the Secretary of State. The Michigan Boiler rules are proposed to be effective 30 days after filing with the Secretary of State. The Elevator Safety Board rules are proposed to be effective 30 days after filing with the Secretary of State.

The public hearing is being held to receive public comments on the proposed amendments to the administrative rules noted above. Testimony will be taken for each rule set in the order the rules are listed above. Individuals who are not present during testimony for a particular rule set will be provided an opportunity to testify after final testimony on the Elevator Safety Board rules.

The proposed revisions to the State Plumbing Board Licensing rules are needed to reflect the current plumbing statute, the State Plumbing Act, 2002 PA 733. The rules were developed to conform to the previous plumbing statute, 1929 PA 266. The rules first took effect in 1979 and some of the rules were revised in 1985. The hearing is being conducted by the Department under the authority of Section 13 of 2002 PA 733, MCL 338.3523, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4 and 2011-4, MCL 445.2001, MCL 445.2011, MCL 445.2025 and MCL 445.2030.

The proposed revisions to the Michigan Boiler rules will adopt the 2010 edition with the 2011a addenda of the American Society of Mechanical Engineers (ASME) Code and the 2011 National Board Inspection Code and 2009 edition of ASME Controls and Safety Devices (CSD-1). The rule update will allow Michigan to adopt the national standards to assure that boilers are manufactured, installed, and inspected to the most current standards. The hearing is being conducted by the Department under the authority of Section 4, 4a and 13c of 1965 PA 290, MCL 408.754, MCL 408.754a, and MCL 408.763c, and executive reorganization order nos. 2003-1, 2008-4 and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030.

The proposed Elevator Safety Board rules will update the Michigan Elevator Rules by adopting the following national standards; the ASME A17.1-2010, ASME A18.1-2011 and A90.1-2009. The standards cover the design, construction, operation, inspection, testing, maintenance, alteration, and repair of elevating devices. The adoption of national standards assures that elevating devices are constructed, maintained, and inspected to the most current standards. The hearing is being conducted by the Department under the authority of Section 8 of 1967 PA 227, MCL 408.808 and section 3 of 1976 PA 333, MCL 338.2153, Executive Reorganization Order Nos. 2003.1, 2008-4 and 2011-4, MCL 445.2011, 445.2025, and 445.2030.

The proposed rules will be published in the June 15, 2013 *Michigan Register*. Copies of the proposed Michigan amendments to the State Plumbing Board Licensing rules, the Michigan Boiler rules, and the Elevator Safety Board rules may be obtained for a fee of \$3.00 for each rule set by submitting a check or money order made payable to the State of Michigan at the address below. You may download a free copy of the proposed amendments by visiting the Bureau's website at www.michigan.gov/bcc. The amendments are located under "What's New" on the front page of the website.

Oral or written comments may be presented in person at the hearing on July 11, 2013, or submitted in writing by mail, email, or facsimile no later than 5:00 p.m., July 11, 2013, to the Bureau's contact information below. If your presentation at the public hearing is in written form, please provide a copy to the Rules Analyst at the conclusion of your testimony at the hearing.

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Office of Administrative Services
P.O. Box 30254
Lansing, MI 48909
Telephone (517) 241-6312
Facsimile (517) 241-9570
matsumotos@michigan.gov

The meeting site and parking is accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Hillary Cushman at (517) 335-2972 (voice) at least 14 days prior to the hearing. LARA is an equal opportunity employer/program.

PROPOSED ADMINISTRATIVE RULES

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS ~~CONSUMER AND INDUSTRY~~
SERVICES**

DIRECTOR'S OFFICE ~~BUREAU OF SAFETY AND REGULATION~~

GENERAL INDUSTRY SAFETY STANDARDS ~~COMMISSION~~

Proposed July 17, 2012

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the **director of the department of licensing and regulatory affairs** ~~general industry safety standards commission~~ by sections 16 and 21 of **1974 PA Act No. 154 and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030**) of the Public Acts of 1974, as amended, being SS408.1016 and 408.1021 of the Michigan Compiled Laws)

R 408.11913, R 408.11921, R 408.11937, and R 408.11957 of the Michigan Administrative Code are amended and R 408.11902 is added to the Code, as follows:

PART 19. CRAWLER, LOCOMOTIVE, AND TRUCK CRANES

R 408.11902 Adoption of standards by reference.

Rule 1902. (1) The following standards are adopted by reference in these rules and are available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: <http://global.ihs.com>; at a cost as of the time of adoption of these rules, as stated in this subrule.

- (a) American Society of Mechanical Engineers (ASME) Standard ASME B30.5 “Crawler, Locomotive and Truck Cranes,” 1968 edition. Cost: \$60.00.**
- (b) American National Standard Institute (ANSI) Standard, ANSI B30.15 “Mobile Hydraulic Cranes,” 1973 edition. Cost \$60.00.**

(2) The standards adopted in subrule (1) of this rule are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(3) Copies of the standards adopted in subrule (1) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(4) The Michigan occupational safety and health standard Construction Safety Standard Part 10 “Lifting and Digging Equipment,” R 408.41001a to R 408.41075a, is referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of

licensing and regulatory affairs, MIOSHA standards section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

R 408.11913 Operator selection.

Rule 1913. (1) **An employer shall be able to demonstrate that an employee is trained and qualified to operate the equipment prior to authorizing the employee to operate the equipment. A permit system may be used to comply with this rule.** ~~An employee selected to operate a crawler, locomotive or truck crane shall meet the following requirements:~~

~~(a) Have corrected vision that meets the same requirements as vision for a valid Michigan driver's license. Possession of a Michigan driver's license or a doctor's certificate is evidence of meeting this requirement.~~

~~(b) Have effective use of all 4 limbs.~~

~~(c) Be of a height sufficient to operate the controls and to have an unobstructed view over the controls into the work area.~~

~~(d) Have coordination between eyes, hands, and feet.~~

~~(e) Be free of known convulsive disorders and episodes of unconsciousness.~~

~~(f) Be able to hear and understand conversational levels of sound in an ordinary office environment.~~

~~(g) Be able to read and understand signs, labels, and instruction manuals.~~

(2) An employee assigned to operate a crawler, locomotive, or truck crane shall have his or her ability to meet the minimum requirements in this rule verified not less than every 3 years.

~~(3) The requirements of this rule, except subrule (1)(e) of this rule, may be waived for an existing employee operating a crawler, locomotive, or truck crane, on the effective date of this part, who has demonstrated his or her ability to perform the duties in a safe manner.~~

CONSTRUCTION

R 408.11921 Construction; standards.

Rule 1921. (1) A crawler, locomotive or truck crane, purchased or modified after **December 28, 1974**, ~~the effective date of this part~~, shall be as prescribed in Chapter 501 and Section 5-2.2 of Chapter 5-2, ASME USAS B30.5 –1968, “Crawler, Locomotive and Truck Cranes,” **1968 edition, as adopted in R 408.11902**. ~~which are incorporated herein by reference and which are available for inspection at the Lansing office of the department of consumer and industry services. These standards may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Consumer and Industry Services, State Secondary Complex, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909, at a cost of \$3.00 each.~~

(2) A mobile hydraulic crane purchased or modified after **December 28, 1974**, ~~the effective date of this part~~ shall be as prescribed in Chapter 15-1 and Section 15-2.2 of Chapter 15-2, ANSI B30.15 –1973, “Mobile Hydraulic Cranes,” **1973 edition, as adopted in R 408.11902**. ~~which are incorporated herein by reference and which are available for inspection at the Lansing office of the department of consumer and industry services. These standards may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor and Economic Growth, State Secondary Complex, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909, at a cost of \$4.50 each.~~

(3) A crawler, locomotive, or truck crane purchased after August 31, 1971, shall be modified to conform to Chapter 5 and Section 5-2.2 of Chapter 5-2 of the ASME USAS standard, B30.5 –1968, “Crawler, Locomotive, and Truck Cranes” **1968 edition** or Chapter 15-1 and Section 15-2.2 of Chapter

15-2 of ANSI standard, B30.15 –1973, “Mobile Hydraulic Cranes,” **1973 edition, as adopted in R 408.11902.**

R 408.11937 Work platform requirements.

Rule 1937. If a work platform is attached to the loadline of a crawler, locomotive, or truck crane, the employer shall comply with the provisions of Construction Safety Standard Part 10 “Lifting and Digging Equipment,” **as referenced in R 408.11902.** ~~being R 408.41001 et seq. of the Michigan Administrative Code.~~

R 408.11957 Tests for crawler, locomotive and truck cranes.

Rule 1957. (1) A crawler, locomotive or truck crane, prior to initial use and after modification, shall be given an operational test to insure compliance with this part, including the following:

- (a) Load hoisting and lowering mechanisms.
- (b) Boom hoisting and lowering mechanisms.
- (c) Travel mechanism.
- (d) Safety devices.
- (e) Boom extension mechanisms for a mobile hydraulic crane.

(2) A test load for a crawler, locomotive or truck crane shall not exceed 110% of the rated load at any working radius.

(3) Results of operational tests and load tests shall be maintained at the job site.

(4) Where rerating is necessary, it shall be as prescribed in Section 5-2.2 of Chapter 5-2 of **ASME USAS-B30.5 –1968, “Crawler, Locomotive and Truck Cranes,” standard,” 1968 edition, as adopted in R 408.11902.** Rerating shall not be in excess of the original load rating unless a letter of approval is obtained from the manufacturer and maintained at the job site.

PROPOSED ADMINISTRATIVE RULES

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS ~~CONSUMER AND INDUSTRY~~
SERVICES**

DIRECTOR'S OFFICE ~~BUREAU OF SAFETY AND REGULATION~~

GENERAL INDUSTRY SAFETY STANDARDS ~~COMMISSION~~

Proposed Draft July 17, 2012

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the **director of the department of licensing and regulatory affairs** ~~general industry safety standards commission~~ by sections 16 and 21 of ~~1974 PA Act No. 154 and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030~~) of the Public Acts of 1974, as amended, being ~~SS408.1016 and 408.1021 of the Michigan Compiled Laws~~)

R 408.12011, R 408.12016, R 408.12021, R 408.12026, and R 408.12043 of the Michigan Administrative Code are amended and R 408.12002 is added to the Code, as follows:

PART 20. UNDERHUNG CRANES AND MONORAIL SYSTEMS

R 408.12002 Adoption of standards by reference.

Rule 2002. (1) The American Society of Mechanical Engineers (ASME) Standard ASME B30.11 “Monorail Systems and Underhung Cranes,” 1993 edition, is adopted by reference in these rules and is available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: <http://global.ihs.com>; at a cost as of the time of adoption of these rules of \$60.00.

(2) The standard adopted in subrule (1) of this rule is also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(3) Copies of the standard adopted in subrule (1) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(4) The following Michigan occupational safety and health standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of licensing and regulatory affairs, MIOSHA standards section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website:

www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety Standard Part 1 “General Provisions,” R 408.10001 to R 408.10098.

(b) General Industry Safety Standard Part 2 “Floor and Wall Openings, Stairways, and Skylights,” R 408.10201 to R 408.10241.

(c) General Industry Safety Standard Part 33 “Personal Protective Equipment,” R 408.13301 to R 408.13398.

R 408.12011 Underhung cranes and monorail systems; adoption of standards by reference.

Rule 2011. An underhung crane or monorail system installed, or that portion modified, after **November 5, 1997**, ~~the effective date of this part shall be in compliance with the requirements of ANSI/ASME B30.11 –1993 entitled “Monorail Systems and Underhung Cranes,” 1993 edition, as adopted in R 408.12002.~~ which are adopted by reference in these rules and which may be inspected at the Lansing office of the department of consumer and industry services. ~~The standard may be purchased at a cost as of the time of adoption of this rule of \$60.00 from the American National Standards Institute, 11 West 42nd Street, New York, New York 10036, or from the Safety Standards Division, Michigan Department of Consumer and Industry Services, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909.~~

R 408.12016 Access, clearances, and barriers.

Rule 2016. (1) Safe access shall be provided to a cab operated crane by a fixed ladder, stairway, or walkway.

(2) Conductors of the open type which are mounted on the crane runway, bridge, or monorail beams or overhead shall be located or guarded so that an operator at the normal operator’s position or persons entering or leaving the cab or crane footwalk could not, under normal conditions, come into contact with them.

(3) A catwalk on a crane shall have a standard barrier as prescribed in General Industry Safety Standard Part 2 “Floor and Wall Openings, Stairways, and Skylights,” **as referenced in R 408.12002.** ~~being R 408.10201 to R 408.10241 of the Michigan Administrative Code.~~ A floor opening in a crane platform, if equipped with a hinged cover, need not be equipped with a standard barrier. The cover shall be kept closed, except when an employee is entering or leaving the opening.

(4) Safe clearance shall be provided between fixed objects and the monorail system where there is employee exposure.

R 408.12021 Operator selection; cab-operated or puppet-operated equipment.

Rule 2021. (1) **An employer shall be able to demonstrate that an employee is trained and qualified to operate the equipment prior to authorizing the employee to operate the equipment. A permit system may be used to comply with this rule.** ~~An employee assigned to operate cab-operated or puppet-operated equipment shall meet all of the following minimum requirements:~~

~~(a) Have corrected vision that meets the same requirements as vision for a valid Michigan driver’s license. Evidence of meeting this requirement shall be a Michigan driver’s license or a doctor’s certificate.~~

~~(b) Have effective use of all 4 limbs. A prosthetic device is considered a limb when capable of being used to effectively operate the controls.~~

~~(c) Be of a height sufficient to operate the controls and to have an unobstructed view over the controls.~~

~~(d) Have coordination between eyes, hands, and feet.~~

~~(e) Have freedom from known convulsive disorders and episodes of unconsciousness for a period of 1 year before being assigned as an operator or for a shorter period of time with the assurance from a neurologist that the disorders or episodes are under control.~~

~~(f) Have the ability to understand signs, labels, and instructions.~~

(2) An employee assigned to operate cab-operated or pulpit-operated equipment shall meet the minimum requirements stated in this rule and shall be retested at least once every 3 years or more often when there is reason to doubt safe operating ability.

~~–(3) An employee who is operating cab-operated or pulpit-operated equipment at the effective date of this part but who does not meet the requirements of subrule (1) of this rule may be continued as an operator if the handicap or disability does not prove detrimental to the employee’s task.~~

R 408.12026 Personal protective equipment.

Rule 2026. For personal protective equipment requirements, see General Industry Safety Standard Part 33 “Personal Protective Equipment,” **as referenced in R 408.12002.** ~~being R 408.13301 et seq. of the Michigan Administrative Code.~~

R 408.12043 Maintenance of equipment: correction of unsafe condition; precautions; returning equipment to normal operation; removing dirt and debris.

Rule 2043. (1) An employer shall maintain a crane, monorail system, and their accessories in a condition that does not endanger an operator or other employee.

(2) Before adjustments or repairs are commenced on a crane or monorail system, all of the following precautions shall be taken:

(a) A crane shall be repaired in a location where it causes the least interference with other moving equipment on the track or rails and operations in the area.

(b) Controllers shall be placed in the “off” position.

(c) Where an employee is working at or near a disabled crane and there is a parallel runway on that side, or where a section of track or runway is being repaired or replaced, and a hazard exists to the employee, the requirements of subrule (3) of this rule apply.

(d) The power to the crane or monorail system shall be locked out in accordance with R 408.10132 of General Industry Safety Standard Part 1 “General Rules,” **as referenced in R 408.12002.**

(3) Where any other crane or monorail systems uses the same runway, a protective device shall be used to prevent interference with the idle crane or monorail systems undergoing repairs. Where the protective device is impractical, a signalman shall be placed at a visual vantage point to warn the operator of the active crane or monorail system when it reaches the limit of safe distance from the idle crane.

(4) A crane or monorail equipment that has been adjusted or repaired shall not be returned to normal operation until all guards have been replaced, locks removed, safety devices reactivated, and the maintenance equipment removed.

(5) An accumulation of dirt or debris on a crane or monorail equipment that may create a hazardous condition shall be removed.

PROPOSED ADMINISTRATIVE RULES

**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES LICENSING AND
REGULATORY AFFAIRS**

BUREAU OF CONSTRUCTION CODES

STATE PLUMBING BOARD

LICENSES

Proposed Draft May 7, 2013

Filed with the Secretary of State on
These rules take immediate effect after filing with the Secretary of State

(By authority conferred on the state plumbing board by section **13 of 2002 PA 733, MCL 338.3523, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4 and 2011-4, MCL 445.2001, MCL 445.2011, MCL 445.2025 and MCL 445.20305** of Act No. 266 of the Public Acts of 1929, as amended, being S338.905 of the Michigan Compiled Laws)

R 338.921, R 338.922, R 338.923, R 338.924, 338.925, R 338.926, R 338.927, R 338.928, R 338.929, R 338.930 and R 338.931 of the Michigan Administrative Code are amended and R 338.921a, R 338.924a, R 338.924b and R 338.931a are added as follows:

R 338.921 Examination; qualifications.

Rule 1. Any person who is ~~19~~**18** years of age or over and who possesses the necessary qualifications may apply for examination for a journey plumber's license. Any person who is ~~21~~**18** years of age or over, who possesses the necessary qualifications, and who can read and write English may apply for examination for a master plumber's license.

R 338.921a Definitions.

Rule 1a. The terms defined in the state plumbing act, 2002 PA 733, MCL 338.3511 to 338.3569, have the same meaning when used in these rules.

R 338.922 Application for journey plumber, master plumber, **and plumbing contractor** examinations.

Rule 2. Application for examination for a journey plumber's license, ~~or for examination for a master plumber's license, or a plumbing contractor's license~~ shall be made with a proper application ~~blank~~ which shall be furnished by the ~~state plumbing board~~**department**. The application for examination shall be made to the ~~state plumbing board~~**department** ~~at Lansing, Michigan,~~ and shall be accompanied with the ~~legal~~ fee prescribed in **the state plumbing act** ~~Act No. 266 of the Public Acts of 1929, as amended, being S338.901 et seq. of the Michigan Compiled Laws.~~

R 338.923 Qualification of applicants for a journey plumber's examination.

Rule 3. (1) To qualify for examination for a journey plumber's license, ~~the~~ **an** applicant shall furnish, either on or with his or her application, a notarized statement from his or her present or former employers **and master plumber** to the effect that he or she has **at least 6,000 hours of experience**

gained over a period of not less than 3 years ~~had not less than 3 years of experience as an a~~
registered apprentice in the practical installation of plumbing under the supervision of a master plumber.

(2) When evidence is produced to the effect that ~~the an~~ applicant is a graduate of, ~~or is attending,~~ a recognized trade school, proper credit will be given the applicant, but such credit shall not exceed **2,000 hours** ~~1-year of the required 6,000 hours~~ **3-years of practical experience as an a registered** apprentice.

(3) If ~~the an~~ applicant is unable to conform to any of the requirements in subrules (1) and (2) of this rule, he or she may, upon written request, appear before a quorum of the state plumbing board to present evidence as to his or her eligibility for examination.

(4) A person who is licensed as a journey plumber in another state or country ~~shall may, upon written request,~~ appear before a quorum of the state plumbing board to present evidence as to his or her possession of a journey plumber license **and the licensing requirements from the licensing state or country.** ~~Upon a determination of the state plumbing board that the journey plumber license was obtained by the person through substantially the same or equal requirements as those of the state of Michigan, the state plumbing board may allow that person to take the Michigan journey plumber examination.~~ **The state plumbing board shall then determine if the individual will be allowed to take the Michigan journey plumber examination.**

R 338.924 Qualifications of applicants for master plumber's examination.

Rule 4. (1) To qualify for ~~examinations~~ **examination** for a master plumber's license, ~~the an~~ applicant shall be on record ~~within the department state plumbing board office~~ **as having gained 4,000 hours of experience as a licensed journey plumber over a period of not less than 2 years immediately preceding the date of his or her application.** ~~as having had not less than 2 years of experience as a state of Michigan licensed journey plumber immediately preceding the date of his or her application.~~

(2) If ~~the an~~ applicant is unable to conform to the requirements of subrule (1) of this rule, he or she may, upon written request, appear before a quorum of the state plumbing board to present evidence as to his or her eligibility for examination.

(3) A person who is licensed as a master plumber **or equivalent** in another state or country ~~shall may,~~ ~~upon written request,~~ appear before a quorum of the state plumbing board to present evidence as to his or her possession of a master plumber license **or equivalent and licensing requirements from the licensing state or country.** ~~Upon a determination of the state plumbing board that the master plumber license was obtained by the person through substantially the same or equal requirements as those of the state of Michigan, the state plumbing board may allow that person to take the Michigan master plumber examination.~~ **The state plumbing board shall then determine if the individual will be allowed to take the Michigan master plumber examination.**

R 338.924a Qualification of applicants for plumbing contractor examination.

Rule 4a. (1) To qualify for examination for a plumbing contractor license, the applicant shall provide his or her residence address, business address, or employment information for the past 5 years, and conviction history information on a form provided by the department with the appropriate nonrefundable examination fee.

R 338.924b Contractors proof of ownership.

Rule 4b. (1) To qualify for licensure as a plumbing contractor, an applicant shall provide the address of the principal place of business and proof that he or she is an owner or officer of the business.

(2) An applicant shall furnish documentation as determined acceptable by the department to verify the applicant's current business structure. Documentation includes, but are not limited to, the following:

(a) For an application for a sole proprietor using an assumed name, a copy of the current filed certificate of persons conducting business under an assumed name issued by the county clerk or a notarized letter stating the applicant is a sole proprietor with the exact business name.

(b) For an application for a partnership, a copy of the current filed certificate of limited partnership issued by the department or a copy of the current filed certificate of general partnership issued by the county clerk.

(c) For an application for a limited liability company, a copy of the filed articles of organization, certificate of assumed name, if applicable, and current notarized operating agreement signed by each officer.

(d) For an application for a corporation, a copy of the filed articles of incorporation, certificate of assumed name, if applicable, and current certificate of good standing.

(e) For a foreign company, a copy of the registration to transact business in this state.

(3) An applicant shall provide any other documentation requested by the department to determine the applicant's business structure and current authorization to do business in this state.

R 338.925 Investigation of applicants.

Rule 5. (1) The character, experience, and fitness of the applicants shall also be taken into consideration. The board **and department** ~~reserves the right to~~ **may** investigate any applicant, or application filed, and approve or disapprove the same.

(2) Upon the acceptance, or rejection, of ~~any~~ **an** application the ~~state plumbing board~~ **department** ~~will~~ **shall** immediately notify the applicant at the address given in the application. ~~In the event~~ **If** an application is rejected, the ~~application examination~~ fee ~~will~~ **shall not** be refunded.

R 338.926 ~~Time of examination~~ **Code update courses; instructors' standards.**

Rule 6. ~~If the applications on file warrant, the state plumbing board will conduct examinations in the months of March, June, September, and December of each year in the Lower Peninsula at a place designated by the board. If the applications on file warrant, the state plumbing board shall conduct an examination in the Upper Peninsula once each year at a place designated by the board.~~ **(1) The board shall approve the instructor-provided code update course that is in compliance with the requirements of the act and these rules.**

(2) The course for master and journey licensees shall be of sufficient contact hours to address the design items established by the board in consideration of the number of code item changes or updates.

(3) A certificate of completion shall be issued by a course provider to a person who has successfully completed the code update class by required attendance. The certificate shall contain all of the following information:

(a) A course approval number granted by the department.

(b) The name and address of the person, school, organization, or company who sponsors or administers the course.

(c) The date the certificate was issued.

(d) The student's name and address.

(e) The instructor's signature certifying that the applicant completed the course as described in subrule (2) of this rule.

R 338.927 ~~Acceptance of applications~~ Submission process and approval of code update course and instructor.

~~Rule 7. An application shall not be accepted, and an admission letter shall not be issued, for a scheduled examination unless the application has been on file in the Lansing plumbing division office for not less than 20 calendar days before the date of the next scheduled examination. However, the application may be accepted, and the admission letter issued, if the applicant appears before a quorum of the board and presents a satisfactory explanation for his or her failure to file his or her application in accordance with the 20-day provision. A letter of admission to any examination shall not be renewed, except in cases of illness. The illness shall be confirmed by a statement from the attending physician. The board may grant a renewal of an admission letter following a personal appearance of the applicant before a quorum of the board to make a satisfactory explanation of his or her absence from the scheduled examination.~~(1)

A provider of a code update course shall apply for approval by submitting information on an application provided by the department.

(2) An application shall contain all of the following information:

(a) The name and address of the applicant.

(b) The name of the instructor and his or her license number where applicable.

(c) A copy of the items established by the board from the department's program outline.

(3) Approval of the course shall be provided by the department through its licensing software system.

(4) The department may withdraw the approval of a course if the approval was issued in error, if the approval was issued on the basis of incorrect information, or if the course is found to be in violation of these rules. Notice of withdrawal of approval shall be in writing and shall state the reason for the withdrawal of approval. An appeal of the withdrawal shall be processed pursuant to the provision of the administrative procedures act, 1969 PA 306, MCL 24.201 to 24.328.

R 338.928 Notice of examination.

~~Rule 8. Notice of the time and place of examination shall be provided to the department, mailed to those applicants whose applications have been accepted and are on file in the Lansing plumbing division office for not less than 20 calendar days before the date of the next scheduled examination. This notice shall instruct the applicant as to the tools and materials which the applicant is required to furnish. It shall also include an admission notice letter which shall be presented to the examiners, by the applicant, at the time and place of the scheduled examination designated in the admission notice letter. The applicant shall present current picture identification, such as a driver's license, to the examiners at the time of the examination.~~

R 338.929 Failure to appear for examination.

~~Rule 9. If any an applicant fails to appear for the examination designated in the admission notice letter, and fails to make a satisfactory explanation for his or her absence to the department state plumbing board within 10 calendar days following the scheduled examination, his or her application will shall be cancelled and the application examination fee forfeited.~~

R 338.930 Scope of examination.

Rule 10. (1) The examinations of all applicants for licenses shall be conducted by the department and state plumbing board.

~~(2) The examination of applicants for journey plumber's license shall consist of oral, written, and practical tests. The written test shall cover the general theory and practice of plumbing and knowledge of the Michigan plumbing rules. The practical test shall cover the applicant's ability to perform such~~

~~mechanical work connected with the trade of plumbing as the board deems necessary. The examination of an applicant for the plumbing contractor license shall consist of oral and written tests, but not be limited to questions designed to test an individual's knowledge of the state plumbing act, 2002 PA 733, MCL 338.3511 to 338.3569, the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531, and the administration and enforcement requirements of the Michigan plumbing code.~~

(3) ~~The examination of an applicant for a master plumber's license shall consist of oral, written, and practical tests, as well as the interpretation of charts and blueprints. The written test shall cover the general theory and practice of plumbing, knowledge of the Michigan plumbing rules, knowledge of the state laws governing plumbers and plumbing, and such other matters pertaining to the best interests of the general public through the practice of plumbing. The practical test shall cover the applicant's ability to perform such mechanical work connected with the plumbing trade as the board deems necessary. The examination of an applicant for the master plumber's license shall consist of oral, written, and practical tests, as well as the interpretation of charts, material takeoffs, and blueprints. The written test shall cover the general theory and practice of plumbing, knowledge of the Michigan plumbing code, knowledge of the state's laws governing plumbers and plumbing, and other matters pertaining to the best interests of the general public through the practice of plumbing. The practical test shall cover an applicant's ability to perform the mechanical work connected with the plumbing trade as the board considers necessary.~~

(4) The examination of an applicant for the journey plumber's license shall consist of oral, written, and practical tests. The written test shall cover the general theory and practice of plumbing, knowledge of the Michigan plumbing code, state's laws governing plumbers and plumbing, and other matters pertaining to the best interests of the general public through the practice of plumbing. The practical test shall cover an applicant's ability to perform the mechanical work connected with the plumbing trade as the board considers necessary, such as the interpretation of charts and piping projects.

~~(-4-5)~~ To qualify for a license, ~~all an applicant~~ applicants shall be required to receive a minimum grade of 70% in each ~~part~~ phase of the examination. **Failure to achieve a minimum grade of 70% on each part of the examination shall result in an applicant having to retake the entire examination.**

R 338.931 Reexamination.

Rule 11. ~~If any an applicant for a contractor, master, or journey plumber's license does not receive a passing grade, his or her application will shall be cancelled and fees forfeited. If any applicant for a master plumber's license does not receive a passing grade, his or her application will be cancelled and fees forfeited. Any An applicant who fails to pass his or her examination for a license as a plumbing contractor, master plumber, or journey plumber may be examined at the next scheduled examination apply for reexamination.~~

R 338.931a License expiration.

Rule 11a. A journey plumber license, apprentice registration, and plumbing affidavit shall expire on April 30 each year. A plumbing contractor license and a master plumber license shall expire on a 3-year-cycle on April 30.

NOTICE OF PUBLIC HEARING

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
NOTICE OF PUBLIC HEARING

State Plumbing Board Licensing Rules (ORR# 2012-118 LR)
Michigan Boiler Rules (ORR# 2012-013 LR)
Elevator Safety Board Rules (ORR# 2012-009 LR)

The Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, will hold a public hearing on Thursday, July 11, 2013, at 9:00 a.m. in Conference Room 3, 2501 Woodlake Circle, Okemos, MI 48864. The State Plumbing Board Licensing rules are proposed to take immediate effect after filing with the Secretary of State. The Michigan Boiler rules are proposed to be effective 30 days after filing with the Secretary of State. The Elevator Safety Board rules are proposed to be effective 30 days after filing with the Secretary of State.

The public hearing is being held to receive public comments on the proposed amendments to the administrative rules noted above. Testimony will be taken for each rule set in the order the rules are listed above. Individuals who are not present during testimony for a particular rule set will be provided an opportunity to testify after final testimony on the Elevator Safety Board rules.

The proposed revisions to the State Plumbing Board Licensing rules are needed to reflect the current plumbing statute, the State Plumbing Act, 2002 PA 733. The rules were developed to conform to the previous plumbing statute, 1929 PA 266. The rules first took effect in 1979 and some of the rules were revised in 1985. The hearing is being conducted by the Department under the authority of Section 13 of 2002 PA 733, MCL 338.3523, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4 and 2011-4, MCL 445.2001, MCL 445.2011, MCL 445.2025 and MCL 445.2030.

The proposed revisions to the Michigan Boiler rules will adopt the 2010 edition with the 2011a addenda of the American Society of Mechanical Engineers (ASME) Code and the 2011 National Board Inspection Code and 2009 edition of ASME Controls and Safety Devices (CSD-1). The rule update will allow Michigan to adopt the national standards to assure that boilers are manufactured, installed, and inspected to the most current standards. The hearing is being conducted by the Department under the authority of Section 4, 4a and 13c of 1965 PA 290, MCL 408.754, MCL 408.754a, and MCL 408.763c, and executive reorganization order nos. 2003-1, 2008-4 and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030.

The proposed Elevator Safety Board rules will update the Michigan Elevator Rules by adopting the following national standards; the ASME A17.1-2010, ASME A18.1-2011 and A90.1-2009. The standards cover the design, construction, operation, inspection, testing, maintenance, alteration, and repair of elevating devices. The adoption of national standards assures that elevating devices are constructed, maintained, and inspected to the most current standards. The hearing is being conducted by the Department under the authority of Section 8 of 1967 PA 227, MCL 408.808 and section 3 of 1976 PA 333, MCL 338.2153, Executive Reorganization Order Nos. 2003.1, 2008-4 and 2011-4, MCL 445.2011, 445.2025, and 445.2030.

The proposed rules will be published in the June 15, 2013 *Michigan Register*. Copies of the proposed Michigan amendments to the State Plumbing Board Licensing rules, the Michigan Boiler rules, and the Elevator Safety Board rules may be obtained for a fee of \$3.00 for each rule set by submitting a check or money order made payable to the State of Michigan at the address below. You may download a free copy of the proposed amendments by visiting the Bureau's website at www.michigan.gov/bcc. The amendments are located under "What's New" on the front page of the website.

Oral or written comments may be presented in person at the hearing on July 11, 2013, or submitted in writing by mail, email, or facsimile no later than 5:00 p.m., July 11, 2013, to the Bureau's contact information below. If your presentation at the public hearing is in written form, please provide a copy to the Rules Analyst at the conclusion of your testimony at the hearing.

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Office of Administrative Services
P.O. Box 30254
Lansing, MI 48909
Telephone (517) 241-6312
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The meeting site and parking is accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Hillary Cushman at (517) 335-2972 (voice) at least 14 days prior to the hearing. LARA is an equal opportunity employer/program.

PROPOSED ADMINISTRATIVE RULES

**DEPARTMENT OF ~~LABOR AND ECONOMIC GROWTH~~ LICENSING AND REGULATORY
AFFAIRS**

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Proposed Draft May 17, 2013

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of ~~labor and economic growth~~ **licensing and regulatory affairs** by sections 16 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. **1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030** ~~1996-2 and 2003-1, MCL 408.1016, 408.1021, 445.2001, and 445.2011~~)

R 408.15811, R 408.15812, R 408.15817, R 408.15825, R 408.15831, R 408.15833, R 408.15836, and R 408.15839 of the Michigan Administrative Code are amended, and R 408.15811 and R 408.15812, are rescinded as follows:

PART 58. AERIAL WORK PLATFORMS

R 408.15811 ~~Employer responsibility.~~ **Rescinded.**

~~Rule 5811. An employer shall do all of the following:~~

- ~~(a) Provide training to employees in the operations, hazards, safeguards, and safe practices described in these rules by a qualified person.~~
- ~~(b) Ensure that employees do not engage in the activities to which these rules apply until such employees have received training.~~
- ~~(c) Maintain an aerial device in a condition free of known defects and hazards, which could cause an injury.~~

R 408.15812 ~~Employee responsibility.~~ **Rescinded.**

Rule 5812. An employee shall do both of the following:

- ~~(a) Operate an aerial device only after being trained in the operations, hazards, safeguards, and safe practices required by these rules by a qualified person and authorized by the employer.~~
- ~~(b) Report known defects and hazards concerning an aerial device to the supervisor.~~

R 408.15817 Preoperational procedures; platform inspections.

Rule 5817. ~~(1) An operator shall inspect an aerial work platform for defects that would affect its safe operation and use before it is used on each work shift. The visual inspection shall consist of all of the following procedures:~~

~~(a) Visual inspection for all of the following:~~

~~(i) Cracked welds.~~

~~(ii) Bent or broken structural members.~~

~~(iii) Hydraulic or fuel leaks.~~

~~(iv) Damaged controls and cables.~~

~~(v) Loose wires.~~

~~(vi) Tire condition.~~

~~(vii) Fuel and hydraulic fluid levels.~~

~~(viii) Slippery conditions on the platform.~~

~~(b) Operate all platform and ground controls to ensure that they perform their intended function.~~

~~(2) Before the aerial work platform is used, and during use on the job site/work place, the operator shall inspect for all of the following:~~

~~(a) Ditches.~~

~~(b) Drop-offs.~~

~~(c) Holes.~~

~~(d) Bumps and floor obstructions.~~

~~(e) Debris.~~

~~(f) Overhead obstructions.~~

~~(g) Power lines.~~

~~(h) Similar conditions to those specified in subdivisions (a) to (g) of this subrule. The area around the aerial work platform shall also be inspected to assure clearance for the platform and other parts of the unit.~~

~~(3) All unsafe items found as a result of the inspection of the aerial work platform or work area shall be corrected before further use of the aerial work platform.~~

~~(1) (4) The employer shall ensure before the commencement of operations near power lines and when the clearances cannot be maintained as specified in Tables 1-3, that the owner, owner representative, or utility are notified with all pertinent information about the job.~~

~~(2) (5) Any overhead wire shall be considered to be an energized line until the owner of the line, his or her authorized representative, or a utility representative assures ~~one~~ **either** of the following:~~

~~(a) The line is de-energized and has been visibly grounded.~~

~~(b) The line is insulated for the system voltages and the task will not compromise the insulation of the conductor and/or cause an electrical hazard.~~

R 408.15825 Controls.

Rule 5825. (1) All of the following information shall be clearly marked in a permanent manner on each aerial work platform:

(a) Special workings, cautions, or restrictions necessary for operation.

(b) Rated work load.

(c) A clear statement if the aerial work platform is electrically insulated.

(2) Directional controls shall be in compliance with all of the following provisions:

(a) Be of the type that will automatically return to the off or neutral position when released.

(b) Be protected against inadvertent operation.

(c) Be clearly marked as to their intended function.

- (3) An overriding control shall be provided in the platform which must be continuously activated for platform directional controls to be operational and which automatically returns to the off position when released.
- (4) Articulating, extensible boom platforms, or both, primarily designed as personnel carriers, shall be equipped with both upper and lower controls.
- (5) Upper controls shall be located within reach of the operator.
- (6) Aerial work platforms shall be equipped with emergency controls at ground level.
- (7) Emergency ground level controls shall be clearly marked as to their intended function and be capable of overriding the platform controls.
- ~~(8) Rotating shafts, gears, and other moving parts that are exposed to contact shall be guarded as prescribed in general industry safety standard, Part 7. "Guards for Power Transmission", R 408.10701 to R 408.10765.~~
- (8) (9) Attachment points shall be provided for fall protection devices for personnel who occupy the platform on aerial work platforms described in the provisions of R 408.15802 (a) and (c). (See figures 1 and 3).

R 408.15831 ~~Inspection, maintenance; testing.~~ **Insulated aerial device testing.**

Rule 5831. ~~An employer shall comply with all of the following requirements:~~

- ~~(a) Each aerial work platform shall be inspected, maintained, repaired, and kept in proper working condition in accordance with the manufacturers or owner's operating or maintenance and repair manual or manuals.~~
- ~~(b) Any aerial work platform found not to be in a safe operating condition shall be removed from service until repaired. All repairs shall be made by an authorized person in accordance with the manufacturer's or owner's operating or maintenance and repair manual or manuals.~~
- (e) If the aerial work platform is rated and used as an insulated aerial device, **an employer shall test** the electrical insulating components ~~shall be tested~~ for compliance with the rating of the aerial work platform in accordance with ANSI standard A92.2 2001 edition "Vehicle-Mounted Elevating and Rotating Aerial Devices," which is adopted by reference in R 408.15810. Testing shall comply with all of the following provisions:
 - (a) ~~(i)~~ The test shall be performed not less than annually.
 - (b) ~~(ii)~~ Written, dated, and signed test reports shall be made available by the employer for examination by a department representative.
 - (c) ~~(iii)~~ The insulated portion of an aerial device shall not be altered in any manner that might reduce its insulating value.
 - ~~(d) All danger, caution, and control markings and operational plates shall be legible and not obscured.~~

R 408.15833 Vehicles; traffic control.

Rule 5833. (1) Before moving a vehicle supporting an aerial ladder for highway travel, employees shall secure ladders in the lower position, and shall use the manually operated device at the base of the ladder, or other effective means to prevent elevation or rotation of the ladder.

(2) Before moving a vehicle supporting an aerial lift for travel, employees shall inspect the boom to ensure that it is properly cradled and the outriggers are in the stowed position, except as provided in subrule (3) of this rule.

(3) When a boom is elevated with employees in working position, the vehicle supporting an aerial device shall not be moved unless the equipment is specifically designed for this type of operation and meets the requirements of R 408.15821.

~~(4) Before and during travel, except as provided for horizontal movement in R 408.15839 (9), an operator shall do all of the following:~~

~~(a) Inspect to see that booms, platforms, aerial ladders, or towers are properly cradled or secured.~~

~~(b) Ensure that outriggers are in a stored position.~~

~~(c) Limit travel speed according to the following factors:~~

~~(i) Condition of the surface.~~

~~(ii) Congestion.~~

~~(iii) Slope.~~

~~(iv) Location of personnel.~~

~~(v) Other hazards.~~

(4) (5) An employer shall ensure that operators of an aerial work platform over or adjacent to any public or private roadway maintain adequate clearances of all portions of the aerial work platform to prevent being struck by vehicular traffic.

(5) (6) When aerial work platforms are in use, all traffic control requirements shall be in compliance with Part 6 of the 2005 Michigan Manual on Uniform Traffic Control Devices (MMUTCD), which is adopted in R 408.15810, and Construction Safety Part 22. Signals, Signs, Tags, and Barricades, R 408.42201 to R 408.42243, as referenced in R 408.15810.

R 408.15836 Fall protection.

Rule 5836. (1) The employer shall provide a safety harness that has a lanyard which is in compliance with construction safety standard Part 45. "Fall Protection", R 408.44501 to R 408.44502 and which is affixed to attachment points provided and approved by the manufacturer. Any occupant of an aerial work platform described in ~~the provisions of~~ R 408.15802(a) and (c) and figures 1 and 3 shall use a safety harness. A fall arrest system shall only be used where the aerial lift is designed to withstand the vertical and lateral loads caused by an arrested fall.

(2) An employee may use a body belt with a restraint device with the lanyard and the anchor arranged so that the employee is not exposed to any fall distance. An employee is required to use a restraint device where the aerial lift cannot withstand the vertical and lateral loads imposed by an arrested fall.

(3) An employee shall be prohibited from belting off to an adjacent pole, structure, or equipment while working from an aerial work platform.

(4) An employer shall not allow employees to exit an elevated aerial work platform, except where elevated work areas are inaccessible or hazardous to reach. Employees may exit the platform with the knowledge and consent of the employer. When employees exit to unguarded work areas, fall protection shall be provided and used as prescribed in construction safety standard Part 45. "Fall Protection", R 408.44501 to R 408.44502.

~~(5) An employer shall provide for prompt rescue of employees in the event of a fall or shall assure that employees are able to rescue themselves.~~

R 408.15839 Operating procedures.

Rule 5839. (1) The aerial work platform shall be used only in accordance with the manufacturers or owners operating instructions and safety rules.

(2) The designed rated capacity for a given angle of elevation shall not be exceeded.

~~(3) A proximity warning device may be used, but shall not be used to avoid meeting the requirements of this rule.~~

~~(4) The manufacturer's rated load capacity shall not be exceeded. The employer shall ensure that the load and its distribution on the platform are in accordance with the manufacturer's specifications. The aerial work platform rated load capacity shall not be exceeded when loads are transferred to the platform at elevated heights.~~

~~(5) Only employees, their tools, and necessary materials shall be on or in the platform.~~

~~(3) (6) The guardrail system of the platform shall not be used to support any of the following:~~

~~(a) Materials.~~

~~(b) Other work platforms.~~

~~(c) Employees.~~

~~(4) (7) Employees shall maintain firm footing on the platform while working on the platform. The use of railings, planks, ladders, or any other devices on the platform for achieving additional height is prohibited.~~

~~(8) Fuel gas cylinders shall not be carried on platforms that would allow the accumulation of gases.~~

~~(5) (9) Only aerial work platforms that are equipped with a manufacturer's installed platform controls for horizontal movement shall be moved while in the elevated position.~~

~~(6) (10) Before and during driving while elevated, an operator of a platform shall do both of the following:~~

~~(a) Look in the direction of, and keep a clear view of, the path of travel and make sure that the path is firm and level.~~

~~(b) Maintain a safe distance from all of the following:~~

~~(i) Obstacles.~~

~~(ii) Debris.~~

~~(iii) Drop-offs.~~

~~(iv) Holes.~~

~~(v) Depressions.~~

~~(vi) Ramps.~~

~~(vii) Overhead obstructions.~~

~~(viii) Overhead electrical lines.~~

~~(ix) Other hazards to safe elevated travel.~~

~~(7) (11) Outriggers or stabilizers, when provided, are to be used in accordance with the manufacturer's instruction. Brakes shall be set and outriggers and stabilizers shall be positioned on pads or a solid surface.~~

~~(8) (12) Aerial work platforms shall be elevated only when on a firm and level surface or within the slope limits allowed by the manufacturer's instructions.~~

~~(9) (13) A vehicle-mounted aerial work platform (figure 1) shall have its brakes set before elevating the platform.~~

~~(10) (14) A vehicle-mounted aerial work platform (figure 1) shall have wheel chocks installed before using the unit on an incline.~~

~~(11) (15) Climbers shall not be worn while working from an aerial device unless gaff guards are provided.~~

~~(12) (16) Platform gates shall be closed while the platform is in an elevated position.~~

~~(13) (17) Altering, modifying, or disabling safety devices or interlocks is prohibited.~~

~~(18) Care shall be taken to prevent rope, electric cords, hoses, or the equivalent, from becoming entangled in the aerial platform.~~

~~(19) A platform operator shall ensure that the area surrounding the aerial work platform is clear of personnel and equipment before lowering the platform.~~

~~(20) The aerial work platform shall not be positioned against another object to steady the platform.~~

- ~~(21) The aerial work platform shall not be operated from a position on a truck, trailer, railway car, floating vessel, scaffold, or similar equipment.~~
- ~~(22) The boom and platform of the aerial work platform shall not be used to move or jack the wheels off the ground unless the machine is designed for that purpose by the manufacturer.~~
- ~~(23) If the platform or elevating assembly becomes caught, snagged, or otherwise prevented from normal motion by adjacent structures or other obstacles so that control reversal does not free the platform, all employees shall exit from the platform before attempts are made to free the platform.~~
- (14)** ~~(24)~~ Stunt driving and horseplay are prohibited.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

PART 15. EMISSION LIMITATIONS AND PROHIBITIONS - MERCURY

Proposed Draft May 30, 2013

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of the 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of environmental quality by sections 5503 and 5512 of 1994 PA 451, MCL 324.5503 and 324.5512., ~~and Executive Reorganization Order No. 1995-18, MCL 324.99903~~)

R 336.2501, R 336.2502, R 336.2502a, R 336.2503, R 336.2504, R 336.2505, R 336.2506, R 336.2508, R 336.2509, R 336.2510, R 336.2513 of the Michigan Administrative Code are amended, R 336.2511 is reserved, and R 336.2507, R 336.2512, R 336.2514 of the Code are rescinded, as follows:

R 336.2501 Definitions.

Rule 1501. The following definitions apply to terms used in this part:

(a) "Affected EGU" means any stationary coal-fired electric generating unit serving at any time, since the start-up of a unit's combustion chamber, a generator with nameplate capacity of more than 25 megawatts producing electricity for sale.

~~-(b) "Alternative mercury designated representative" means either of the following:~~

~~-(i) For an affected EGU, the person who is authorized by the owner and operator to act on behalf of the mercury designated representative in matters pertaining to the rules under the mercury program.~~

~~-(ii) For the department, the person who is authorized on behalf of the mercury designated representative in matters pertaining to the rules under the mercury program.~~

~~-(e)~~(b) "Automated data acquisition and handling system" or "DAHS" means that component of the continuous emission monitoring system (CEMS), or other emissions monitoring system approved for use by the department, designed to interpret and convert individual output signals from pollutant concentration monitors, flow monitors, diluent gas monitors, and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units for mercury.

~~-(d)~~(c) "Boiler" means an enclosed fossil fuel-fired or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

~~-(e)~~(d) "Bottom-cycling cogeneration unit" means a cogeneration unit in which the energy input to the unit is first used to produce useful thermal energy and at least some of the reject heat from the useful thermal energy application or process is then used for electricity production.

~~(f)~~(e) "Coal" means any solid fuel classified as anthracite, bituminous, subbituminous, or lignite by the ~~American society of testing and materials (ASTM)~~ standard specification for classification of coals by rank D388-77, 90, 91, 95, 98a, or 99.

~~(g)~~(f) "Coal-derived fuel" means any fuel (whether in a solid, liquid, or gaseous state) produced by the mechanical, thermal, or chemical processing of coal.

~~(h)~~(g) "Coal-fired" means combusting any amount of coal or coal-derived fuel, alone or in combination with any amount of any other fuel, during any year.

~~(i)~~(h) "Coal-fired electric utility steam generating unit" means an electric utility steam generating unit that burns coal, coal refuse, or a synthetic gas derived from coal either exclusively, in any combination together, or in any combination with other fuels in any amount.

~~(j)~~(i) "Cogeneration unit" means a stationary, fossil fuel-fired boiler doing _____ing:

(i) Having equipment used to produce electricity and useful thermal energy for industrial, commercial, heating, or cooling purposes through the sequential use of energy; ~~and~~

(ii) Producing **the following** during the 12-month period starting on the date the unit first produces electricity and during any calendar year after the calendar year in which the unit first produces electricity:

(A) For a topping-cycle cogeneration unit, both of the following apply:

(1) Useful thermal energy not less than 5% of total energy output.

(2) Useful power that, when added to 1/2 of useful thermal energy produced, is not less than 42.5% of total energy input from fossil fuel, if useful thermal energy produced is 15% or more of total energy output, or not less than 45% of total energy input from fossil fuel, if useful thermal energy produced is less than 15% of total energy output.

(B) For a bottoming-cycle cogeneration unit, useful power not less than 45% of total energy input from fossil fuel.

(iii) Provided that the total energy input under paragraphs (ii)(A)(2) and ~~(ii)~~(B) of this rule shall equal the unit's total energy input from all fuel except biomass if the unit is a boiler.

~~(k)~~(j) "Combustion turbine" means both of the following:

(i) An enclosed device comprising a compressor, a combustion, and a turbine and in which the flue gas resulting from the combustion of fuel in the combustion passes through the turbine, rotating the turbine.

(ii) If the enclosed device under paragraph (i) of this rule is combined cycle, any associated heat recovery steam generator and steam turbine.

~~(l)~~(k) "Commence operation" means to have begun any mechanical, chemical, or electronic process, including, with regard to a unit, start-up of a unit's combustion chamber.

~~(m)~~(l) "Common stack" means a single flue through which emissions from 2 or more units are exhausted.

~~(n)~~(m) "Compliance year" means the 12-month rolling time period for which a mercury emission **limitation under this part** is in effect.

~~(o)~~(n) "Continuous emission monitoring system" or "CEMS" means the equipment required to sample, analyze, measure, and provide, by means of readings recorded at least once every 15 minutes, using an automated data acquisition and handling system (DAHS), a permanent record of mercury emissions, stack gas volumetric flow rate, stack gas moisture content, and oxygen or carbon dioxide concentration, as applicable. The following systems are the principal types of CEMS:

(i) A flow monitoring system, consisting of a stack flow rate monitor and an automated data acquisition and handling system and providing a permanent, continuous record of stack gas volumetric flow rate, in units of standard cubic feet per hour (scfh).

(ii) A mercury concentration monitoring system, consisting of a mercury pollutant concentration monitor and an automated data acquisition and handling system and providing a permanent, continuous record of mercury emissions in units of micrograms per dry standard cubic meter ($\mu\text{g}/\text{dscm}$).

(iii) A moisture monitoring system, as defined in 40 C.F.R. §75.11(b)(2), adopted by reference in R 336.1802a, and providing a permanent, continuous record of the stack gas moisture content, in percent water.

(iv) A carbon dioxide monitoring system, consisting of a carbon dioxide concentration monitor (or an oxygen monitor plus suitable mathematical equations from which the carbon dioxide concentration is derived) and an automated data acquisition and handling system and providing a permanent, continuous record of carbon dioxide emissions, in percent carbon dioxide.

(v) An oxygen monitoring system, consisting of an oxygen concentration monitor and an automated data acquisition and handling system and providing a permanent, continuous record of oxygen, in percent oxygen.

~~(p)~~(o) "Electric generating unit" or "EGU" means the following:

(i) Except as provided in paragraph (ii) of this ~~rulesubdivision~~, a stationary, fossil fuel-fired boiler or stationary, fossil fuel-fired combustion turbine serving at any time, since the start-up of the unit's combustion chamber, a generator with nameplate capacity of more than 25 megawatts producing electricity for sale.

(ii) For a unit that qualifies as a cogeneration unit during the 12-month period starting on the date the unit first produces electricity and continues to qualify as a cogeneration unit, a cogeneration unit serving at any time a generator with nameplate capacity of more than 25 megawatts and supplying in any calendar year more than 1/3 of the unit's potential electric output capacity or 219,000 megawatt-hour, whichever is greater, to any utility power distribution system for sale. If a unit qualifies as a cogeneration unit during the 12-month period starting on the date the unit first produces electricity but subsequently no longer qualifies as a cogeneration unit, then the unit shall be subject to paragraph (i) of this ~~rulesubdivision~~ starting on the day on which the unit first no longer qualifies as a cogeneration unit.

~~(q)~~(p) "Existing EGU" means an affected EGU constructed or reconstructed on or before ~~January 30, 2004~~ **May 3, 2011**, and is therefore not a new EGU.

(q) **"Federal MATS" means the federal Mercury and Air Toxics Standards, 40 C.F.R., part 63, subpart UUUU, "National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units" (2012), adopted by reference in R 336.2502.**

(r) "Generator" means a device that produces electricity.

(s) "Gross electric output" means electricity made available for use, including any electricity used in the power production process, which process includes, but is not limited to, any on-site processing or treatment of fuel combusted at the unit and any on-site emission controls.

(t) "Heat input rate" means the amount of heat input (in million British thermal units) divided by unit operating time (in hours) or, with regard to a specific fuel, the amount of heat input attributed to the fuel (in million British thermal units) divided by the unit operating time (in hours) during which the unit combusts the fuel.

(u) "Input mercury" means the amount of mercury that is contained in the coal, coal-derived fuel, and any other fuel combusted within an electric generating unit.

(v) "Maximum design heat input" means, starting from the initial installation of a unit, the maximum amount of fuel per hour (in Btu/hour) that a unit is capable of combusting on a steady-state basis as specified by the manufacturer of the unit, or, starting from the completion of any subsequent physical change in the unit resulting in a decrease in the maximum amount of fuel per hour (in Btu per hour,

Btu/hour) that a unit is capable of combusting on a steady-state basis, such decreased maximum amount as specified by the person conducting the physical change.

~~(w) "Mercury designated representative" means either of the following:~~

~~(i) For an affected EGU, the person who is authorized by the owner and operator to represent, certify, and legally bind each owner and operator in matters pertaining to the rules under the mercury program.~~

~~(ii) For the department, the person who is authorized to represent, certify, and legally bind the department in matters pertaining to the rules under the mercury program.~~

~~(x)~~**(w)** "Mercury emission control" means equipment installed exclusively to decrease the emissions of mercury from an affected EGU.

~~(y)~~**(x)** "Mercury pretreatment credit" means the percent of mercury removed due to coal washing or cleaning under R 336.2505.

~~(z) "Michigan mercury permit" means the permit required for affected existing EGUs and new EGUs subject to this part. The permit shall be administered in accordance with R 336.1214 and shall be incorporated into the renewable operating permit as an attachment.~~

~~(aa)~~**(y)** "Monitoring system" means any monitoring system, including a continuous emissions monitoring system, an alternative monitoring system, or an ~~ex~~accepted monitoring system approved by the department.

~~(bb)~~**(z)** "Multi-pollutant compliance demonstration project" means an emission control strategy that achieves significant reductions or that maintains significant reductions in oxides of nitrogen, sulfur dioxide, and mercury using acceptable emission control equipment such as, but not limited to, selective catalytic reduction which is expected to achieve 85 to 90% reduction in oxides of nitrogen and flue gas desulfurization which is expected to achieve 85 to 95% reduction in sulfur dioxide.

~~(ee)~~**(aa)** "Nameplate capacity" means starting from the initial installation of a generator, the maximum electrical generating output (in megawatts) that the generator is capable of producing on a steady-state basis and during continuous operation, when not restricted by seasonal or other derates, as specified by the manufacturer of the generator or, starting from the completion of any subsequent physical change in the generator resulting in an increase in the maximum electrical generating output (in megawatts) that the generator is capable of producing on a steady-state basis and during continuous operation, when not restricted by seasonal or other derates, such increased maximum amount as specified by the person conducting the physical change.

~~(dd)~~**(bb)** "New EGU" means an affected EGU constructed or reconstructed after ~~January 30, 2004~~ **May 3, 2011**.

~~(ee)~~**(cc)** "Operator" means any person who operates, controls, or supervises an EGU or a stationary source with 1 or more EGUs and shall include, but not be limited to, any holding company, utility system, or plant manager of such unit or stationary source.

~~(ff)~~**(dd)** "Output-based emissions standard" means a maximum allowable rate of emissions of mercury per unit of gross electric output from an electric generating unit.

~~(gg)~~**(ee)** "Owner" means any of the following persons with regard to an affected EGU or an affected EGU at a stationary source, respectively:

(i) Any holder of any portion of the legal or equitable title in an affected EGU at the stationary source or an affected EGU.

(ii) Any holder of a leasehold interest in an affected EGU at the stationary source or an affected EGU.

~~(hh)~~**(ff)** "Reference method" means any direct test method of sampling and analyzing for an air pollutant.

~~(ii)~~**(gg)** "Retired unit" means any EGU that has permanently been disabled and no longer has the ability to generate electricity. For the unit to re-start operations, it shall undergo new source review under R 336.1201.

~~(jj)~~**(hh)** "Sequential use of energy" means either of the following:

(i) For a topping-cycle cogeneration unit, the use of reject heat from electricity production in a useful thermal energy application or process.

(ii) For a bottoming-cycle cogeneration unit, the use of reject heat from useful thermal energy application or process in electricity production.

~~(kk)~~**(ii)** "Source-wide averaging" means the average of all mercury emissions from 2 or more affected EGUs at a single stationary source is less than or equal to the average of the mercury emission limits for the affected EGUs at the stationary source that are participating in averaging.

~~(ll)~~**(jj)** "Source-wide pooling" means the sum of all mercury emissions from 2 or more affected EGUs at a single stationary source is less than or equal to the sum of the mercury emission limits for the affected EGUs at the stationary source that are participating in pooling.

~~(mm)~~**(kk)** "Submit" means to send or transmit a document, information, or correspondence to the person specified according to the applicable regulation by any of the following:

(i) In person.

(ii) By United States Postal Service.

(iii) By other means of dispatch or transmission and delivery.

Compliance with any "submission" deadline shall be determined by the date of dispatch, transmission, or mailing and not the date of receipt.

~~(nn)~~**(ll)** "Topping-cycle cogeneration unit" means a cogeneration unit in which the energy input to the unit is first used to produce useful power, including electricity, and at least some of the reject heat from the electricity production is then used to provide useful thermal energy.

~~(oo)~~**(mm)** "Total energy input" means, with regard to a cogeneration unit, total energy of all forms supplied to the cogeneration unit, excluding energy produced by the cogeneration unit itself.

~~(pp)~~**(nn)** "Total energy output" means, with regard to a cogeneration unit, the sum of useful power and useful thermal energy produced by the cogeneration unit.

~~(qq)~~**(oo)** "Unit" means a stationary coal-fired boiler or a stationary coal-fired combustion turbine.

~~(rr)~~**(pp)** "Unit operating day" means a calendar day in which a unit combusts any fuel.

~~(ss)~~**(qq)** "Unit operating hour or hour of unit operation" means an hour in which a unit combusts any fuel.

~~(tt)~~**(rr)** "Useful power" means, with regard to a cogeneration unit, electricity or mechanical energy made available for use, excluding any such energy used in the power production process, which includes any on-site processing or treatment of fuel combusted at the unit and any on-site emission controls.

~~(uu)~~**(ss)** "Useful thermal energy" means, with regard to a cogeneration unit, thermal energy that is made available to an industrial or commercial process, not a power production process, excluding any heat contained in condensate return or makeup water, and is 1 or both of the following:

(i) Used in a heat application, for example, space heating or domestic hot water heating.~~;~~~~or~~

(ii) Used in a space cooling application, for example, thermal energy used by an absorption chiller.

~~(vv)~~**(tt)** "Utility power distribution system" means the portion of an electricity grid owned or operated by a utility and dedicated to delivering electricity to customers.

~~(ww)~~**(uu)** "Very low mass emitting unit" or "VLME unit" means an existing EGU that is limited to 9 pounds or less of mercury per 12-month rolling time period.

R 336.2502 Adoptions by reference.

Rule 1502. (4) The following ~~ASTM method standards~~ are adopted in these rules by reference **and are available as noted.: Title 40 C.F.R., part 63, subpart UUUUU, “National Emission Standards for Hazardous Air Pollutants: Coal – and Oil – Fired Electric Utility Steam Generating Units” (2012).** Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at the cost at the time of adoption of these rules (AQD price **\$50.00**). Copies may also be obtained from the ~~American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959; the ASTM website at www.astm.org; or email customer service at service@astm.org; at a cost as of the time of adoption of these rules (ASTM price) as follows~~**Superintendent of Documents, U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401, by calling 1-866-512-1800 or by accessing their online bookstore at http://bookstore.gpo.gov at a cost as of the time of adoption of these rules (GPO price \$40.00 for part 63 (63.9980-63.10042)). The standards can be viewed and/or printed free of charge at http://ecfr.gpoaccess.gov.**

- ~~(a) ASTM D3173-03 (2008), "Standard Test Method for Moisture in the Analysis Sample of Coal and Coke," AQD price \$41.00; ASTM price \$31.00.~~
- ~~(b) ASTM D3684-01 (2006), "Standard Test Method for Total Mercury in Coal by the Oxygen Bomb Combustion/Atomic Absorption Method," AQD price \$41.00; ASTM price \$31.00.~~
- ~~(c) ASTM D4840-99 (reapproved 2004), "Standard Guide for Sampling Chain of Custody Procedures," AQD price \$53.20; ASTM price \$43.20.~~
- ~~(d) ASTM D5865-07a, "Standard Test Method for Gross Calorific Value of Coal and Coke," AQD price \$52.00; ASTM price \$42.00.~~
- ~~(e) ASTM D6414-01 (2006), "Standard Test Method for Total Mercury in Coal and Coal Combustion Residues by Acid Extraction or Wet Oxidation/Cold Vapor Atomic Absorption," AQD price \$46.00; ASTM price \$36.00.~~
- ~~(f) ASTM D6784-02, "Standard Test Method for Elemental, Oxidized, Particle Bound and Total Mercury in Flue Gas Generated from Coal Fired Stationary Sources (Ontario Hydro Method)," AQD price \$52.00; ASTM price \$42.00.~~
- ~~(g) ASTM D6911-03 "Standard Guide for Packaging and Shipping Environmental Samples for Laboratory Analysis," AQD price \$46.00; ASTM price \$36.00.~~

R 336.2502a Applicability of rules.

Rule 1502a. (1) The following rules shall be of no force or effect as to affected EGUs for which the federal MATS is an applicable requirement relative to emissions of mercury: R 336.2503 to R 336.2513. Notwithstanding, the department shall retain the authority for approvals under R 336.2503(2)(b), R 336.2504(3)(b), R 336.2506(2) and (4), and R 336.2513(1)(b).

(2) If the federal MATS ceases to be an applicable requirement as to affected EGUs, R 336.2503 to R 336.2513 shall be in force and effect beginning with the third calendar month following the termination of the federal MATS as an applicable requirement or April 16, 2015, whichever is later.

(3) The provisions of this part are repealed in total and voided 60 days after the entry of a final judgment or order from which no further appeal or review is taken or available in *White Stallion v EPA*, No. 12-1100 (D.C. Circuit) upholding the provisions of the federal MATS relative to emissions of mercury.

R 336.2503 Mercury emission standards for electric generating units.

Rule 1503. (1) **Unless the federal MATS is an applicable requirement, beginning Effective January 1 April 16, 2015**, an affected existing EGU as defined in this part shall meet either of the following, **unless projects have been approved under subrule (2) or (3) of this rule.**~~except as provided for in R 336.2514:~~

(a) A minimum of 90% reduction from baseline input mercury levels as determined under R 336.2505 on a 12-month rolling average basis as determined at the end of each calendar month.

(b) An output-based emission standard of 0.008 pounds of mercury per gigawatts-hour on a 12-month rolling average basis as determined at the end of each calendar month.

(2) As an alternative to the provisions in subrule (1) of this rule, a multi-pollutant compliance demonstration project for an existing EGU may be implemented. This shall at minimum include **all of** the following:

(a) ~~The mercury designated representative~~**owner or operator** of an existing EGU shall submit a multi-pollutant compliance demonstration project plan not later than the end of June, ~~2 years~~ before the applicable compliance year. The plan shall include, at a minimum, a description of the multi-pollutant emission controls, multi-pollutant emissions data, multi-pollutant emissions reductions, and compliance schedules.

(b) The plan shall be subject to the review and approval of the department. Department approval of an alternative mercury emission standard shall be based on the information submitted. To be approved, the multi-pollutant compliance demonstration project plan must establish a minimum of 75% reduction from baseline input mercury levels on a 12-month rolling average basis as determined at the end of each calendar month for the individual EGU. If the department determines the plan does not meet the definition of a multi-pollutant compliance demonstration project, then the department will make a determination on the plan in writing. If the plan is unacceptable, the department ~~will~~ **shall** state the reasons for disapproval and require the existing EGU to comply with the provisions of subrule (1) of this rule.

(3) An existing EGU that is limited to emit 9 pounds (144 ounces) of mercury per 12-month rolling time period as determined at the end of each calendar month as a VLME unit shall be excluded from the provisions in subrule (1) of this rule, provided an alternative compliance demonstration project meeting the criteria of R 336.2513 is implemented. A maximum of 3 existing EGUs at the same stationary source may be VLME units.

(4) Compliance with the provisions of subrules (1) and (3) of this rule may be demonstrated using either of the following methods:

(a) Compliance on an EGU-by-EGU basis.

(b) Stationary source-wide averaging or source-wide pooling of emissions across affected EGUs under control of the same operator or owner.

(5) ~~New EGUs, as defined in R 336.2501(dd),~~ shall not cause or allow the emission of mercury in excess of the maximum allowable emission rate based on the application of best available control technology for mercury. At a minimum, a new EGU shall comply with 90% reduction from input mercury levels on a 12-month rolling average basis as determined at the end of each calendar month or an output-based emission standard of 0.008 pounds of mercury per gigawatt-hour on a 12-month rolling average basis as determined at the end of each calendar month.

(6) ~~By the end of September~~**January 16, and 2 years before** of the applicable compliance year, the ~~mercury designated representative~~**owner or operator** for each affected EGU shall submit and certify a compliance demonstration ~~plan~~**notification** to demonstrate compliance with subrules (1), (2), (3), or (5) of this rule. The compliance demonstration ~~plan~~ **notification** shall be submitted according to R 336.2509. Adjustments may be made to the compliance method under subrules (1), (2), and (3), and for source-wide averaging or source-wide pooling of EGUs under subrule (4) of this rule up to ~~December~~

~~34~~**April 15** before beginning the applicable compliance year via addendum to a certified compliance demonstration ~~plan~~**notification**.

(7) The installation of mercury emission controls shall not be considered a physical change or a change in the method of operation at an affected EGU if the addition of the mercury emission control will not result in emissions that exceed any emission rate otherwise allowable under state or federal requirements.

R 336.2504 Stationary source specific mercury emission standards.

Rule 1504. (1) This rule provides for stationary source specific mercury emissions standards **unless the federal MATS is an applicable requirement**.

(2) Lansing board of water and light, eckert power station, units 1, 2, 3, 4, 5, and 6 shall be provided the following extension to the provisions in R 336.2503(1):

(a) Beginning ~~January 1~~**April 16**, 2015, Lansing board of water and light, eckert power station, units 1, 2, and 3 shall comply with the VLME unit provisions under R 336.2503(3) and units 4, 5, and 6 shall each receive a mercury emission limit of 19 pounds (304 ounces) per 12-month rolling time period as determined at the end of each calendar month.

(b) Beginning ~~January 1~~**April 16**, 2015, the total mercury emission limit for Lansing board of water and light, eckert power station, affected existing EGUs shall be 84 pounds (1,344 ounces) per 12-month rolling time period as determined at the end of each calendar month.

(c) Beginning ~~January 1~~**April 16**, 2018, the total mercury emission limit for Lansing board of water and light, eckert power station, affected existing EGUs shall be 57 pounds (912 ounces) per 12-month rolling time period as determined at the end of each calendar month.

(d) Compliance with the mercury emission limits may be demonstrated using stationary source-wide pooling.

(e) Not later than ~~the end of September~~**January 16**, ~~and 2 years before~~ of the applicable compliance year, Lansing Board of water and light eckert power station shall provide verification and certification of their proposed compliance demonstration ~~plan~~**notification** extension using written documentation under R 336.2509.

(f) If the owner or operator for Lansing board of water and light, eckert power station, units 1, 2, 3, 4, 5, and 6 has obtained an extension of compliance for the federal MATS pursuant to 40 C.F.R. 63.6(i), adopted by reference in R 336.1902, then the requirements in subdivisions (a), (b), and (c) of this subrule are suspended for the duration of the extension of compliance regardless of whether the federal MATS is an applicable requirement.

(3) As an alternative to R 336.2503(1) or (3), the city of Marquette, shiras unit 3, and Michigan south central power agency, endicott unit 1, may request on a case-by-case basis, an alternative mercury standard as follows:

(a) The ~~mercury designated representative~~**owner or operator** of the existing EGU shall submit a demonstration of best available control technology for mercury at an existing EGU not later than the end of ~~June, 2 years~~**December** before the applicable compliance year. The demonstration shall include, at a minimum, a description of the mercury emission controls, mercury emissions data, and mercury emissions reductions.

(b) The demonstration shall be subject to the review and approval of the department. The department approval of an alternative mercury emission standard shall be based on the information submitted. If the department determines the alternative mercury emission standard does not demonstrate best available control technology for mercury at an existing EGU, then the department may disapprove the plan in writing, stating its reasons for disapproval, and require the existing EGU to comply with R 336.2503(1) or (3).

(c) If the owner or operator for the city of Marquette, shiras unit 3, or the owner or operator for Michigan south central power agency, endicott unit 1, has obtained an extension of compliance for the federal MATS pursuant to 40 C.F.R. 63.6(i), adopted by reference in R 336.1902, then the requirements in subdivision (a) and (b) of this subrule are suspended for the duration of the extension of compliance regardless of whether the federal MATS is an applicable requirement.

R 336.2505 Baseline and coal analysis for input mercury levels.

Rule 1505. (1) The default baseline coal and fuel analysis for input mercury levels shall be based on the data collected for the 1999 information collection request (ICR) as required by and submitted to the United States environmental protection agency.

(2) The ~~mercury designated representative~~**owner or operator** of an affected EGU complying with this part may submit a coal and other fuel sampling plan to determine alternative input mercury baseline levels for the fuels burned on an annual basis. The coal and other fuel sampling plan shall include sampling for a minimum of 12 months of operation and may include a determination for a mercury pretreatment credit. Both of the following apply:

(a) The coal and other fuel sampling plan is subject to the review and approval of the department. If the department determines the plan does not contain adequate sampling methodologies, then the department may disapprove the plan, state its reasons for disapproval, and require the affected EGU to revert to the baseline as determined under subrule (1) of this rule.

(b) Within 180 days after the department approves a coal and other fuel sampling plan, the ~~mercury designated representative~~**owner or operator** of the EGU shall implement the plan.

(3) If subrule (2) of this rule is utilized for new EGUs, the ~~mercury designated representative~~**owner or operator** may sample to determine the baseline during the first 12 months after commencement of operation provided a coal and other fuel sampling plan is submitted to the department and is acceptable.

R 336.2506 ~~Technical~~Extensions to mercury emission standards.

Rule 1506. (1) ~~A mercury designated representative for~~ **The owner or operator of** an affected EGU may request, in writing, an ~~technical~~ extension, as described below, to the provisions in R 336.2503(1), ~~(2), or (3) which is~~**are effective January 1 April 16, 2015.** An extension approved by the department will expire on ~~December 31, 2017~~**April 15, 2016**, or earlier as determined by the department, unless a renewal is granted as specified in subrule (4) of this rule **or the extension is granted as specified in subrule (7) of this rule.**

(a) The ~~mercury designated representative~~**owner or operator** of an existing EGU shall submit an administratively complete ~~technical~~ extension request not later than the end of June, before the applicable compliance year.

(b) An administratively complete request shall include, at a minimum, information on the mercury emission control technologies installed to comply with R 336.2503(1), ~~(2), or (3)~~**mercury stack testing results, cost of correcting the deficiencies in the installed controls,**a proposed compliance program to ~~correct the deficiencies in the installed controls.~~

~~-(c) In addition, the representative owner or operator may submit, and the department shall consider, any other relevant information supporting approval of an extension, including, without limitation the following:~~

~~-(i) A demonstration that further emissions reductions are technically infeasible.~~

~~-(ii) An analysis that achieving additional mercury reductions beyond those achieved by the installed controls is cost prohibitive.~~

~~-(iii) Any other relevant information.~~

(2) The department shall review and may approve an extension request and compliance ~~schedule~~ **program** based on the information submitted. The department may disapprove the extension request, state its reasons for disapproval, and require compliance with R 336.2503(1), **(2), or (3)**.

(3) Affected EGUs, using an approved ~~technical~~ extension demonstration, shall demonstrate compliance on an EGU-by-EGU basis.

(4) The ~~mercury designated representative~~ **owner or operator** of an existing EGU may petition the department to renew an ~~technical~~ extension granted by subrule (2) of this rule beyond ~~December 31, 2017~~ **April 15, 2016**, as follows:

(a) The petition shall be submitted not later than the end of ~~June~~ **December**, before the applicable compliance year. This renewal is subject to approval by the department. In review of the petition for an extension, the department shall consider the information previously submitted under subrule (1) of this rule and any other relevant information submitted by the ~~mercury designated representative~~ **owner or operator**. The renewal shall be for not greater than a 3-year period, subject to review by the department.

(b) The petition shall include an addendum to the compliance ~~demonstration schedule~~ **program** in an approved ~~technical~~ extension and demonstrate how the owner failed to meet the compliance ~~demonstration plan~~ **program** and a proposed corrective action plan to meet the provisions in R 336.2503(1), **(2), or (3)**.

(5) Not later than ~~the end of December, before~~ **January 16** of the applicable compliance year, a participating EGU shall provide verification and certification to modify its proposed compliance demonstration ~~plan~~ **notification** as an ~~technical~~ extension using written documentation under R 336.2509(2), (3), and (4).

(6) An ~~technical~~ extension shall not be issued if it will result in a violation of federal laws or regulations.

(7) **If the owner or operator of an affected EGU has obtained an extension of compliance for the federal MATS pursuant to 40 C.F.R. 63.6(i), adopted by reference in R 336.1902, then the owner or operator of the affected EGU shall have obtained an extension under this rule for the duration of the extension of compliance, regardless of whether the federal MATS is an applicable requirement.**

R 336.2507—Economic extensions to mercury emission standards. **Rescinded.**

~~Rule 1507. (1) A mercury designated representative may request, in writing, an economic extension, as described below, to the provisions in R 336.2503(1) which is effective January 1, 2015. An extension approved by the department will expire on December 31, 2017, or earlier as determined by the department, unless a renewal is granted as specified in subrule (4) of this rule.~~

~~(a) The mercury designated representative of an existing EGU shall submit an administratively complete economic extension request not later than the end of June, before the applicable compliance year.~~

~~(b) An administratively complete request shall include, at a minimum, information on the cost of the mercury emission control technologies proposed to be installed to comply with R 336.2503(1) and a proposed compliance program to install the controls in an optimized timeframe, and include 1 or more of the following:~~

~~(i) A demonstration that the cost of the mercury emission control technologies will create significant economic hardship for the owner or its rate payers.~~

~~(ii) A demonstration that the mercury emission control technologies proposed to be installed will result in a reasonably foreseeable interruption in power supply and undue risk to the reliability of the electricity supply to the state.~~

- ~~–(iii) A demonstration that the mercury emission control technologies proposed to be installed will result in bankruptcy of the owner.~~
- ~~–(iv) A commitment to shut down an existing EGU and remove it from service permanently not later than December 31, 2017. The existing EGU proposed for shutdown must meet a minimum of 75% reduction from baseline input mercury levels on a 12-month rolling average basis as determined at the end of each calendar month until shutdown.~~
- ~~–(v) Information on a proposed new EGU or EGUs, including construction and commencement of operation time frames, and shutdown date of the existing EGU. The existing EGU or EGUs proposed for shutdown must meet a minimum of 75% reduction from baseline input mercury levels on a 12-month rolling average basis as determined at the end of each calendar month until shutdown, not later than December 31, 2017, unless an extension renewal is granted under subrule (4) of this rule.~~
- ~~–(2) The department, in consultation with the Michigan public service commission, shall review and may approve an extension request and compliance schedule based on the information submitted. The department may disapprove the extension request, state its reasons for disapproval, and require compliance with R 336.2503(1).~~
- ~~–(3) Affected EGUs, using an approved economic extension demonstration, shall demonstrate compliance on an EGU-by-EGU basis.~~
- ~~–(4) The mercury designated representative of an existing EGU may petition the department to renew an extension granted by subrule (1) of this rule beyond December 31, 2017, as follows:~~
 - ~~–(a) The petition shall be submitted not later than the end of June, before the applicable compliance year. This extension renewal is subject to approval by the department. In review of the petition for an extension renewal, the department shall consider the information previously submitted under subrule (1) of this rule and any other relevant information submitted by the mercury designated representative. The renewal shall be for not greater than a 3-year period, subject to review by the department.~~
 - ~~–(b) The petition shall include an addendum to the compliance demonstration plan in an approved economic extension and demonstrate how the owner failed to meet the compliance demonstration plan and a proposed corrective action plan to meet R 336.2503(1).~~
- ~~–(5) Not later than the end of September, before the applicable compliance year, a participating EGU shall provide verification and certification of its proposed compliance demonstration plan as an economic extension using written documentation under R 336.2509.~~
- ~~–(6) An economic extension shall not be issued if it will result in a violation of federal laws or regulations.~~

R 336.2508 Eligibility provisions and prohibitions for mercury program.

Rule 1508. (1) For mercury emissions to be eligible for source-wide averaging or source-wide pooling in a 12-month rolling average basis or time period as determined at the end of each calendar month, the emissions must be generated in the same month.

(2) If source-wide averaging or source-wide pooling is used under R 336.2503(4)(b) in the compliance demonstration plan, the effect of a failure to demonstrate compliance with the cumulative mercury emission limit will be that the compliance status of each EGU must be determined on an individual basis, as if no averaging or pooling plan existed.

(3) Mercury emissions from an affected EGU, under R 336.2503(4), may only be averaged or pooled within a single compliance demonstration plan per 12-month rolling average basis or time period as determined at the end of each calendar month.

(4) Mercury emission limits received as part of an approved multi-pollutant compliance demonstration project, ~~an technical extension demonstration or an economic extension demonstration~~, and for new EGUs shall not be available for the averaging or pooling methods allowed under R 336.2503(4)(b).

(5) For the Lansing board of water and light, eckert power station affected existing EGUs, the result of a failure to demonstrate compliance with the cumulative mercury emission limit will be that the compliance status of each EGU must be determined on an individual basis, as if no stationary source-wide pooling plan existed under R 336.2504(2)(d).

R 336.2509 Mercury compliance demonstration.

Rule 1509. (1) Not later than ~~the end of September, 2 years before~~**January 16** of the applicable compliance year, the ~~mercury designated representative~~**owner or operator for each affected EGU** shall submit the proposed compliance demonstration ~~plan~~**notification** as specified in ~~R 336.2503(6) for all affected EGUs to the department meeting the notification requirements in 40 C.F.R. 63.9, adopted by reference in R 336.1902.~~

(2) For each ~~stationary source containing 1 or more~~affected EGUs, the submittal shall **also** include all of the following information:

(a) ~~The name and location, by address and county, of the EGUs that will participate in the compliance demonstration plan and where the records are or will be kept.~~

(b) ~~The name, address, and telephone number of the mercury designated representative providing certification of the compliance demonstration plan.~~

~~(e)~~The emission rates with supporting calculations projected to be achieved ~~by the compliance demonstration plan~~, in pounds or ounces per compliance year.

~~(d)(b)~~ Identification of any affected EGUs to be included in a source-wide averaging or source-wide pooling plan.

~~(e)(c)~~ A brief description of the method or methods used to control mercury emissions.

(3) The submittal shall be accompanied by a certification from the ~~mercury designated representative~~**owner or operator** that, to the best of the ~~mercury designated representative owner's or operator's~~ knowledge, the information contained is true, accurate, and complete.

(4) The compliance demonstration ~~plan~~**notification** submitted to the department shall become a legally enforceable requirement effective ~~January 1~~**April 16** of the applicable compliance year ~~and become an enforceable restriction in the Michigan mercury permit.~~

R 336.2510 Mercury emissions testing, monitoring, recordkeeping, and reporting.

Rule 1510. (1) Compliance with the mercury emission standards for each affected EGU under these rules shall be demonstrated using the testing, monitoring, recordkeeping, and reporting requirements of R 336.2001, R 336.2004, R 336.2104, R 336.2150, R 336.2156, R 336.2157, R 336.2158, R 336.2160, and R 336.~~42~~161 using calculation methodologies acceptable to the department.

(2) Performance tests required by subrule (1) of this rule shall be conducted within 60 days following receipt of written notification from the department, unless otherwise authorized by the department. **All of the following apply:**

(a) Performance tests shall be conducted and data reduced according to the reference test methods in R 336.2004.

(b) Not less than 7 days before performance tests are conducted, the ~~mercury designated representative~~**owner or operator**, or his or her authorized agent, shall notify the department, in writing, of the time and place of the performance tests and who shall conduct them. A representative of the department shall have the opportunity to witness these tests.

(c) Results of performance tests shall be submitted to the department in the format prescribed by the applicable reference test method within 60 days after the last date of the test.

(3) Monitoring required by subrule (1) of this rule shall measure mercury emissions with a continuous emission monitoring system; an alternate method described in 40 C.F.R. part 60 or 75, adopted by reference in R 336.1802a, and acceptable to the department; or a method currently in use and acceptable to the department. The following apply:

(a) An owner or operator of an affected EGU shall install, certify, and maintain monitoring not later than ~~January 1~~ **April 16**, 2015.

(b) An owner or operator of an affected EGU shall comply with the quality assurance procedures in R 336.2157.

(4) Recordkeeping shall include all data and calculations necessary to make compliance determinations in accordance with subrule (1) **of this rule**. Such recordkeeping shall be maintained at the EGU or other location and shall be kept in a manner acceptable to the department. The records shall be maintained for not less than 5 years after the date of expiration of the compliance demonstration plan.

(5) Reporting required by subrule (1) of this rule, as specified by the department, shall be submitted to the department as follows:

(a) Beginning April 30, 2015, and 30 days after the end of each calendar quarter thereafter, the ~~mercury designated representative~~ **owner or operator** of each affected EGU shall submit a certified compliance report to the department with the following information:

(i) Mercury emissions for the current quarter and total for the 12-month rolling average basis or time period as determined at the end of each calendar month for each EGU.

(ii) Heat input for the current quarter and cumulative heat input for the total 12-month rolling average basis or time period as determined at the end of each calendar month.

(iii) Gross electric output for the current quarter and cumulative output for the 12-month rolling average basis as determined at the end of each calendar month for each EGU that demonstrates compliance using an output-based emission standard.

(iv) Any of the following that applies based on method of compliance:

(A) Calculations used to determine mass emissions based on stack test data.

(B) Calculations used to determine mass emissions based on sorbent trap data.

(C) Alternative methodologies used to determine input mercury levels established under R 336.2505.

(b) In addition, the report shall include the following information using the format in 40 C.F.R. §60.7, adopted by reference in R 336.1802a:

(i) The date, time, magnitude of emissions and emission rates where applicable, of the affected EGU.

(ii) If emissions or emission rates exceed the emissions or rates allowed by the applicable emission limit, the cause, if known, and any corrective action taken.

(iii) The total operating time of the affected EGU during the quarter and the applicable compliance year.

(iv) For continuous emission monitoring systems, system performance information shall include the date and time of each period during which the continuous monitoring system was inoperative, except for zero and span checks, and the nature of the system repairs or adjustments. If the continuous monitoring system has not been inoperative, repaired, or adjusted, then that information shall be stated in the report.

R 336.2511 Reserved.

R 336.2512—~~Michigan mercury permits.~~ **Rescinded.**

~~Rule 1512. (1) The mercury designated representative for each affected EGU under this part shall apply for and receive a Michigan mercury permit for the stationary source.~~

- ~~-(a) The mercury designated representative shall apply for a Michigan mercury permit as follows:~~
- ~~-(i) By June 20, 2012, or the effective date of this part, whichever is later, the mercury designated representative of any affected EGU shall submit to the department an administratively complete permit application covering each affected EGU.~~
- ~~-(ii) The mercury designated representative of any affected new EGU shall submit to the department an administratively complete permit application by the date on which the EGU commences operation.~~
- ~~-(b) The mercury designated representative shall submit an administratively complete permit application covering each affected EGU to renew the permit in accordance with the department's renewable operating permit regulations.~~
- ~~-(c) An administratively complete permit application shall be submitted using the application forms required by the department. The application shall include all of the following:~~
 - ~~-(i) Identification of the stationary source.~~
 - ~~-(ii) Identification of each affected EGU at the stationary source.~~
 - ~~-(iii) The standard requirements, which include the following:~~
 - ~~-(A) Permit requirements.~~
 - ~~-(B) Mercury emission requirements.~~
 - ~~-(C) Monitoring requirements.~~
 - ~~-(D) Recordkeeping and reporting requirements.~~
- ~~-(2) Each Michigan mercury permit will contain all elements required for a complete permit application under R 336.2512(1)(e).~~
- ~~-(3) Each Michigan mercury permit shall be incorporated into the renewable operating permit for each stationary source with affected EGUs as an attachment.~~
- ~~-(4) The term of the Michigan mercury permit will be set, as necessary, to facilitate coordination of the renewal of the permit with issuance, revision, or renewal of the renewable operating permit for each stationary source with affected EGUs.~~
- ~~-(5) The Michigan mercury permit portion of the renewable operating permit shall be administered and enforced in accordance with the department's renewable operating permit regulations under R 336.1214.~~
- ~~-(6) The mercury emission limit as specified in the written notification provided under R 336.2503, if applicable, shall become an enforceable requirement of the Michigan mercury permit.~~

R 336.2513 Alternative compliance demonstration project for VLME units.

Rule 1513. (1) Existing EGUs that qualify as VLME units shall implement an approved alternative compliance demonstration project under R 336.2503(3), as approved by the department, in lieu of complying with the requirements under R 336.2503(1), effective ~~January 1~~ **April 16**, 2015. Both of the following apply:

(a) The ~~mercury designated representative~~ **owner or operator** of a VLME unit shall submit a plan for alternative compliance demonstration projects not later than the end of June, ~~2 years~~ before the applicable compliance year. The plan shall include, at a minimum, a description of the alternative mercury reduction/management systems, community outreach and education programs, project goals or reduction targets, and compliance tracking systems. A demonstration project of a mercury-specific emission control technology that has been implemented 3 years prior to ~~January 1~~ **April 16**, 2015 may qualify as the minimum plan requirement.

(b) The plan shall be subject to the review and approval of the department. The department may disapprove the plan, state its reasons for disapproval, and require the existing EGU to demonstrate compliance with 1 of the other methods under R 336.2503(1) or (2) for the applicable compliance year.

(2) The ~~mercury designated representative~~**owner or operator** shall submit an annual progress report regarding the alternative compliance demonstration projects for each participating EGU not later than February 2 following each compliance year. The progress records shall be kept in a format acceptable to the department. All records shall be kept on file for a period of at least 5 years and made available to the department upon request.

(3) In addition, not later than ~~the end of September, 2 years before~~**January 16** of the applicable compliance year, the ~~mercury designated representative~~**owner or operator** shall submit a compliance demonstration ~~plan~~**notification** as required under R 336.2509.

R 336.2514 Mercury program expiration. Rescinded.

~~—Rule 1514. (1) Rule 336.2503 shall expire when the United States Environmental Protection Agency (U.S.EPA), pursuant to authority under the federal Clean Air Act, 42 USC 7401 et seq., publishes a final rule in the Federal Register that is legally enforceable for the control of mercury emissions from affected coal fired electric generating units (EGUs) that require, at a minimum, either of the following no later than January 1, 2015: 90% reduction from baseline input mercury levels or an output based emission standard of 0.008 pounds of mercury per gigawatt hour on a 12 month rolling average basis as determined at the end of each calendar month or a multi pollutant compliance demonstration project that must establish a minimum of 75% reduction from baseline input mercury levels on a 12 month rolling average basis as determined at the end of each calendar month for an individual EGU, and for New EGUs shall not cause or allow the emission of mercury in excess of the maximum allowable emission rate based on the application of best available control technology for mercury. At a minimum, a new EGU shall comply with 90% reduction from input mercury levels on a 12 month rolling average basis as determined at the end of each calendar month or an output based emission standard of 0.008 pounds of mercury per gigawatt hour on a 12 month rolling average basis as determined at the end of each calendar month.~~

~~—(2) Determination of U.S. EPA promulgated rule meeting the requirements of R 336.2514 shall be based on using either of the following methods:~~

~~—(a) Compliance on an EGU by EGU basis.~~

~~—(b) Stationary source wide averaging or source wide pooling of emissions across affected EGUs under control of the same operator or owner.~~

Editor's Note: An obvious error in R 336.2514 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in the Michigan Register, 2009 MR 20. The memorandum requesting the correction was published in the Michigan Register, 2009 MR 23.

NOTICE OF PUBLIC HEARING

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
Air Quality Division

NOTICE OF PUBLIC HEARING

The Michigan Department of Environmental Quality (MDEQ), Air Quality Division (AQD), will conduct a 30-day public comment period and a public hearing on proposed revisions to administrative rules promulgated pursuant to Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, as amended (NREPA), 1994 PA 451. These rules are identified as R 336.2501, R 336.2502, R 336.2502a, R 336.2503, R 336.2504, R 336.2505, R 336.2506, R 336.2507, R 336.2509, R 336.2510, R 336.2512, R 336.2513, and R 336.2514. The purpose of these revisions is to align requirements and compliance dates in the Michigan Mercury Rules (MMR) with those in the federal Mercury and Air Toxics Standards (MATS), reduce additional regulatory burdens, and ensure that affected sources will be subject to the MMR if the MATS is overturned or not in effect due to current litigation.

The public hearing will be held on July 10, 2013, from 1 p.m. to 2 p.m., in the Adelaide Hart Conference Room, Constitution Hall, 525 West Allegan Street, 3rd Floor North, Lansing, Michigan.

Copies of the proposed rules (ORR 2013-021 EQ) can be downloaded from the Internet through the Office of Regulatory Reinvention at <http://www.michigan.gov/orr>. Copies of the rules may also be obtained by contacting the Lansing office at:

Air Quality Division
Michigan Department of Environmental Quality
P.O. Box 30260
Lansing, Michigan 48909-7760
Phone: 517-241-6926
Fax: 517-241-7499
E-Mail: debrulerc@michigan.gov

All interested persons are invited to attend and present their views. It is requested that all statements be submitted in writing for the hearing record. Anyone unable to attend may submit comments in writing to the address above. Written comments must be received by July 10, 2013.

Persons needing accommodations for effective participation in the meeting should contact the AQD at 517-241-6926 one week in advance to request mobility, visual, hearing, or other assistance.

This notice of public hearing is given in accordance with Sections 41 and 42 of Michigan's Administrative Procedures Act, 1969 PA 306, Michigan Compiled Laws (MCL) 24.241 and 24.242. Administration of the rules is by authority conferred on the Director of the MDEQ by Section 5512 of NREPA, MCL 324.5512. These rules will become effective immediately after filing with the Secretary of State.

**CERTIFICATE OF NEED
REVIEW STANDARDS**

MCL 24.208 states in part:

Sec. 8. The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(k) All of the items in section 7(l) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.2217.

MCL 24.207 states in part:

Sec. 7. “Rule” means an agency regulation, statement, standard, policy, ruling, or instruction of general applicability that implements or applies law enforced or administered by the agency, or that prescribes the organization, procedure, or practice of the agency, including the amendment, suspension, or rescission of the law enforced or administered by the agency. Rule does not include any of the following:

* * *

(l) All of the following, after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217:

- (i) The designation, deletion, or revision of covered medical equipment and covered clinical services.*
- (ii) Certificate of need review standards*
- (iii) Data reporting requirements and criteria for determining health facility viability.*
- (iv) Standards used by the department of community health in designating a regional certificate of need review agency.*
- (v) The modification of the 100 licensed bed limitation for short-term nursing care programs set forth in section 22210 of the public health code, 1978 PA 368, MCL 333.22210.*

CERTIFICATE OF NEED REVIEW STANDARDS

**CERTIFICATE OF NEED (CON) REVIEW STANDARDS
SYNOPSIS FOR PUBLICATION IN THE MICHIGAN REGISTER
PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT, 1969 PA 306, MCL
24.208(1)(k)**

MEGAVOLTAGE RADIATION THERAPY (MRT) SERVICES/UNITS

Final Approval by the CON Commission 3/28/13 and Effective 5/24/13

The language changes include the following:

1. Section 2: Definitions have been eliminated as they are no longer necessary, and a new definition has been added as follows:
 - “Excess ETVs” means the number of ETVs performed by an existing MRT service in excess of 10,000 per MRT unit. The number of MRT units used to compute excess ETVs shall include both existing and approved but not yet operational MRT units. In the case of an MRT service that operates or has a valid CON to operate that has more than one MRT unit at the same site, the term means number of ETVs in excess of 10,000 multiplied by the number of MRT units at the same site. For example, if an MRT service operates, or has a valid CON to operate, two MRT units at the same site, the excess ETVs is the number that is in excess of 20,000 (10,000 x 2) ETVs.
2. Section 3: Added language to allow for greater geographic access in Planning Area 8. An applicant would be exempt from projecting ETVs for initiation if it meets other specific criteria.
3. Section 9: New methodology for projecting ETVs – projections will be based on the historical MRT volume of treating physicians. “Treating physician” is defined as the staff physician of the MRT service directing and providing the MRT treatment, not the referring physician. This models the language in the CON Review Standards for Computed Tomography (CT) Scanner Services.
4. Old sections 12 and 13: Eliminated as they are no longer needed due to other changes within the standard.
5. Section 11: Added requirements to be accredited by the American College of Surgeons Commission on Cancer, the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO), or the Healthcare Facilities Accreditation Program (HFAP) and to be accredited by the American College of Radiology/American Society for Radiation Oncology (ACR/ASTRO) or the American College of Radiation Oncology (ACRO).
 - Under subsection (4)(b), MRT units approved pursuant to Section 3(3) in Planning Area 8 shall be operating at a minimum average volume of 5,500 ETVs annually.
7. Other technical changes.

Complete Standards

A complete set of the approved language can be found at www.michigan.gov/con. A hard copy may be obtained, for a fee, by sending a written request to:

2013 MR 10 – June 15, 2013

Michigan Department of Community Health
Health Policy and Access Division
Health Policy Section
Capitol View Building
201 Townsend
Lansing, MI 48913

(517) 335-6708

Email address: MDCH-ConWebTeam@michigan.gov

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

MCL 24.256(1) states in part:

“Sec. 56. (1) The Office of Regulatory Reform shall perform the editorial work for the Michigan register and the Michigan Administrative Code and its annual supplement. The classification, arrangement, numbering, and indexing of rules shall be under the ownership and control of the Office of Regulatory Reform, shall be uniform, and shall conform as nearly as practicable to the classification, arrangement, numbering, and indexing of the compiled laws. The Office of Regulatory Reform may correct in the publications obvious errors in rules when requested by the promulgating agency to do so...”

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

May 24, 2013

Ms. Deidre O'Berry
Office of Regulatory Reinvention
Department of Licensing and Regulatory Affairs
George W. Romney Building, 4th Floor
111 South Capitol Avenue
Lansing, Michigan 48933

Dear Ms. O'Berry:

SUBJECT: Request for Correction of the Michigan Administrative Code, ORR 2008-027EQ

The Department of Environmental Quality (DEQ), as the promulgating agency, is writing to request that the Office of Regulatory Reinvention exercise its discretion to correct obvious errors in the Michigan Administrative Code, pursuant to Section 56(1), MCL 24.256, of the Administrative Procedures Act, 1969 PA 306, as amended.

The errors are listed below by rule number. These rules were promulgated as part of a series of revisions to Parts 1, 6, 7, and 23 of Supplying Water to the Public Rules, identified as ORR 2008-027EQ. The rules became effective on December 4, 2009.

The certified version of the rule filed with the Office of the Great Seal contained obvious errors, highlighted in bold print below, as follows:

R 325.10109(e) currently states

...definition of nontransient noncommunity water supply in R 325.10106(**h**).

The rule should be corrected to state:

...definition of nontransient noncommunity water supply in R 325.10106(j).

R 325.10604c(1) currently states:

...These **pubic** water supplies are considered...

The rule should be corrected to state:

...These public water supplies are considered...

R 325.10710a(4)(d)(vii) currently states:

...it is implemented by the water supply.. The department may require...

...it is implemented by the water supply. The department may require...

R 325.10710b Table 1, Initial Monitoring row, Parameters column currently states:

...orthophosphate or silica**3**, calcium, conductivity, temperature...

The rule should be corrected to state:
...orthophosphate or silica³, calcium, conductivity, temperature...

R 325.10719j(1) currently states
...monitoring conducted under either R 325.10719e(2)(a)(**3**) or R 325.10719e(4).
Reduced...

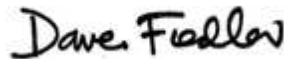
The rule should be corrected to state:
...monitoring conducted under either R 325.10719e(2)(a)(iii) or R 325.10719e(4).
Reduced...

R 325.12301 currently states:
... emergency, including a terrorist or other intentional **attach** on the public...

The rule should be corrected to state:
... emergency, including a terrorist or other intentional attack on the public...

Please note the correction in both the *Michigan Register* and the Michigan Administrative Code.

Sincerely,



David Fiedler
Regulatory Affairs Officer
517-335-6927

cc: Mr. Dan Wyant, Director, DEQ

Mr. Jim Sygo, Deputy Director, DEQ
Ms. Madhu Anderson, Director of Policy, DEQ
Ms. Maggie Datema, Director of Legislative Affairs, DEQ

Ms. Liane J. Shekter Smith, DEQ
Ms. Jean Shekter, DEQ
ODWMA, File ORR 2008-027EQ File

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

May 31, 2013

Request for Technical Correction

The Michigan Bureau of State Lottery is requesting the Office of Regulatory Reinvention to make a technical correction to the Michigan Administrative Code.

Please insert subrule R 432.6(1)(k), which was inadvertently omitted when R 432.6 was amended by adding the new subrule R 432.(6)(2).

The language of subrule R 432.6(1)(k) that we ask be returned to the Michigan Administrative Code is:

(k) Validate all winning tickets through the bureau gaming system and pay customers the full prize value of validated winning tickets up to the retailer's cashing limit as determined by the commissioner.

If you have any questions feel free to contact Natalia Tiemann at 335-4856.

Sincerely,

Natalia Tiemann
Lottery Regulatory Affairs Officer

**EXECUTIVE ORDERS
AND
EXECUTIVE REORGANIZATION ORDERS**

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

(a) Executive orders and executive reorganization orders.”

EXECUTIVE ORDERS

EXECUTIVE ORDER

No. 2013 – 8

EXECUTIVE REORGANIZATION

**STATE LAND BANK FAST TRACK AUTHORITY
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY**

**STATE BUILDING AUTHORITY
DEPARTMENT OF TREASURY**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power in the Governor; and

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, there is a continued need to reorganize the functions among state departments for efficient administration; and

WHEREAS, programs, agencies, and commissions should be placed among the principal departments on a consistent logical basis in order to ensure the most efficient use of public dollars and more streamlined services;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, order the following:

I. DEFINITIONS

As used in this Order:

A. “Department of Technology, Management, and Budget” means the principal department of state government created as the Department of Management and Budget under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121, and renamed under Executive Order 2009-55, MCL 18.441.

B. “Department of Treasury” means the principal department of state government created under Section 75 of 1965 PA 380, MCL 16.175.

C. “Michigan State Housing Development Authority” means the public body corporate and politic created under Section 21 of the State Housing Development Authority Act of 1966, 1966 PA 346, MCL 124.1421.

D. “State Building Authority” means the body corporate created under Section 2 of 1964 PA 183, MCL 830.412.

E. “State Land Bank Fast Track Authority” means the public body corporate and politic created under Section 15 of the Land Bank Fast Track Act, 2003 PA 258, MCL 124.765.

II. TRANSFER OF THE STATE LAND BANK FAST TRACK AUTHORITY TO THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY

A. The State Land Bank Fast Track Authority, a public body corporate and politic, is transferred intact from the Michigan Strategic Fund to the Michigan State Housing Development Authority.

B. The State Land Bank Fast Track Authority shall exercise its prescribed statutory powers, duties, and functions independent of the Michigan State Housing Development Authority.

C. Any authority, powers, duties, functions, and responsibilities relative to the Land Bank Fast Track Act, 2003 PA 258, performed by the Michigan Strategic Fund under Executive Order 2011-4 are transferred from the Michigan Strategic Fund to the Michigan State Housing Development Authority.

D. The budgeting, procurement, and related administrative or management functions of the State Land Bank Fast Track Authority shall be performed under the direction and supervision of the Michigan State Housing Development Authority Executive Director. When directing and supervising the budgeting, procurement, and related administrative or management functions of the State Land Bank Fast Track Authority, the Michigan State Housing Development Authority Executive Director shall remain cognizant of the rights of holders of State Land Bank Fast Track Authority bonds or notes.

E. The transfer of the authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the State Land Bank Fast Track Authority with respect to issuance of bonds or notes to the Michigan Finance Authority pursuant to Section IV.L.1. of Executive Order 2010-2 is ratified and confirmed.

F. Nothing in this Order shall be construed to affect the status of moneys of the State Land Bank Fast Track Authority or the State Land Bank Authority Fund created under Section 18 of the Land Bank Fast Track Act, 2003 PA 258, MCL 124.768. Funds of the State Land Bank Fast Track Authority remain funds of the State Land Bank Fast Track Authority.

G. Nothing in this Order shall be construed to affect the status of moneys of the Michigan State Housing Development Authority. Moneys of the Michigan State Housing Development Authority are not moneys of this state and shall continue to be non-state funds. State funds appropriated to the Michigan State Housing Development Authority lose their identity as state funds upon payment to the Michigan State Housing Development Authority and become public funds of the Michigan State Housing Development Authority under the control of the Michigan State Housing Development Authority. Funds established by or within the Michigan State Housing Development Authority are public trust funds administered by the Michigan State Housing Development Authority. The exercise of any authority, powers, duties, functions, and responsibilities relative to the Land Bank Fast Tract Act,

2003 PA 258, transferred to the Michigan State Housing Development Authority under this Order that involves the expenditure of moneys of the Michigan State Housing Development Authority shall be subject to the approval of the Michigan State Housing Development Authority.

H. Nothing in this Order shall be construed to impair the obligation of any bond or note issued by or on behalf of the Michigan State Housing Development Authority. Bonds and notes issued by or on behalf of the Michigan State Housing Development Authority are obligations of the Michigan State Housing Development Authority and not obligations of this state.

I. The position on the State Land Bank Fast Track Authority designated for the director of the department under Section 16(1)(a) of the Land Bank Fast Track Act, 2003 PA 258, MCL 124.766(1)(a), is transferred to the State Treasurer or his or her designee.

J. Implementation of Transfers to the Michigan State Housing Development Authority

1. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Michigan Strategic Fund for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Michigan State Housing Development Authority to be used or held on behalf of the State Land Bank Fast Track Authority and to be held and accounted for separately and apart from funds of the Michigan State Housing Development Authority.

2. The Michigan State Housing Development Authority, after consultation with the President of the Michigan Strategic Fund and the Department of Treasury, shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Executive Director of the Michigan State Housing Development Authority.

3. The President of the Michigan Strategic Fund and the Executive Director of the Michigan State Housing Development Authority shall immediately initiate coordination to facilitate the transfers contemplated by this Order and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Michigan State Housing Development Authority.

4. The Michigan State Housing Development Authority Executive Director shall administer any functions assigned or subsequently transferred in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities required or permitted under this Order.

III. STATE BUILDING AUTHORITY

A. The State Building Authority is transferred intact from the Department of Technology, Management, and Budget to the Department of Treasury.

B. The State Building Authority shall exercise its prescribed statutory powers, duties, and functions independent of the Department of Treasury. The State Building Authority shall retain all of its statutory authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations. The State Building Authority shall also retain control of all

monies and funds, including but not limited to, grants, bonds, notes, reserves, and trust funds, subject to any agreements of the State Building Authority with note and bond holders.

C. The budgeting, procurement, and related management functions of the State Building Authority shall be performed under the direction and supervision of the State Treasurer. When directing and supervising the budgeting, procurement, and related management functions of the State Building Authority, the State Treasurer shall remain cognizant of the rights of the holders of State bonds and notes and State Building Authority bonds and notes.

D. The Director of the Department of Technology, Management, and Budget, the Executive Director of the State Building Authority, and the State Treasurer shall immediately initiate coordination to facilitate the transfers contemplated by this Section and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Treasury.

E. The State Treasurer, in consultation with the Director of the Department of Technology, Management, and Budget, and the Executive Director of the State Building Authority, shall identify the positions to be transferred under this Section.

IV. MISCELLANEOUS

A. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

B. All rules, orders, contracts, plans, and agreements relating to the functions transferred to the Michigan State Housing Development Authority and to the Department of Treasury by this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or rescinded.

C. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system as necessary for the implementation of this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of the Order.

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order shall be effective 60 days after the filing of this Order.

Given under my hand and the Great Seal of the state of
Michigan this ____ day of May in the Year of our Lord,
two thousand thirteen

RICHARD D. SNYDER
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

MICHIGAN ADMINISTRATIVE CODE TABLE
(2013 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the Office of Regulatory Reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

**MICHIGAN ADMINISTRATIVE CODE TABLE
(2013 RULE FILINGS)**

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
29.2901	A	5	123.61	*	10	205.8	*	8
29.2902	A	5	123.62	*	10	205.15	*	8
29.2903	A	5	123.63	*	10	205.16	*	8
29.2904	A	5	123.64	*	10	205.20	*	8
29.2905	A	5	123.65	*	10	205.22	*	8
29.2906	A	5	123.20	A	10	205.26	*	8
29.2907	A	5	123.30	A	10	205.28	*	8
29.2908	A	5	123.31	A	10	205.136	*	8
29.2909	A	5	123.32	A	10	205.1101	R	6
29.2910	A	5	123.33	A	10	205.1111	R	6
29.2911	A	5	123.34	A	10	205.1115	R	6
29.2912	A	5	123.35	A	10	205.1120	R	6
29.2913	A	5	123.36	A	10	205.1125	R	6
29.2914	A	5	123.37	A	10	205.1130	R	6
29.2915	A	5	123.38	A	10	205.1135	R	6
29.2916	A	5	123.40	A	10	205.1140	R	6
29.2917	A	5	123.56	A	10	205.1145	R	6
29.2918	A	5	123.6	R	10	205.1150	R	6
29.2919	A	5	123.25	R	10	205.1155	R	6
29.2920	A	5	123.26	R	10	205.1201	R	6
29.2921	A	5	123.27	R	10	205.1202	R	6
29.2922	A	5	123.41	R	10	205.1205	R	6
29.2923	A	5	123.42	R	10	205.1208	R	6
29.2924	A	5	123.45	R	10	205.1210	R	6
29.2925	A	5	123.46	R	10	205.1215	R	6
29.2926	A	5	123.47	R	10	205.1220	R	6
123.1	*	10	123.66	R	10	205.1222	R	6
123.4	*	10	123.67	R	10	205.1225	R	6
123.21	*	10	123.68	R	10	205.1228	R	6
123.22	*	10	123.69	R	10	205.1230	R	6
123.23	*	10	123.71	R	10	205.1235	R	6
123.24	*	10	123.72	R	10	205.1240	R	6
123.43	*	10	123.73	R	10	205.1245	R	6
123.44	*	10	123.74	R	10	205.1247	R	6
123.51	*	10	123.75	R	10	205.1249	R	6
123.52	*	10	205.5	R	8	205.1250	R	6
123.53	*	10	205.9	R	8	205.1252	R	6
123.54	*	10	205.23	R	8	205.1255	R	6
123.55	*	10	205.1	*	8	205.1257	R	6

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
205.1260	R	6	299.3308	R	2	299.5911	R	2
205.1264	R	6	299.3309	R	2	299.5913	R	2
205.1270	R	6	299.3310	R	2	299.5915	R	2
205.1275	R	6	299.3311	R	2	299.5917	R	2
205.1278	R	6	299.3312	R	2	299.5919	R	2
205.1280	R	6	299.3313	R	2	324.1501	R	2
205.1281	R	6	299.3314	R	2	324.1502	R	2
205.1283	R	6	299.3315	R	2	324.1503	R	2
205.1285	R	6	299.3316	R	2	324.1504	R	2
205.1288	R	6	299.3317	R	2	324.1505	R	2
205.1290	R	6	299.3318	R	2	324.1506	R	2
205.1301	R	6	299.3319	R	2	324.1507	R	2
205.1303	R	6	299.5105	R	2	324.1508	R	2
205.1305	R	6	299.5107	R	2	324.1509	R	2
205.1307	R	6	299.5109	R	2	324.1509a	R	2
205.1312	R	6	299.5111	R	2	324.1510	R	2
205.1313	R	6	299.5113	R	2	324.1511	R	2
205.1315	R	6	299.5117	R	2	325.5601	*	8
205.1317	R	6	299.5401	R	2	325.5602	*	8
205.1320	R	6	299.5403	R	2	325.5603	*	8
205.1330	R	6	299.5405	R	2	325.5605	*	8
205.1332	R	6	299.5407	R	2	325.5607	*	8
205.1333	R	6	299.5409	R	2	325.5608	*	8
205.1335	R	6	299.5411	R	2	325.5610	*	8
205.1340	R	6	299.5413	R	2	325.5611	*	8
205.1342	R	6	299.5415	R	2	325.5612	*	8
205.1345	R	6	299.5530	R	2	325.5613	*	8
205.1348	R	6	299.5532	R	2	325.5637	*	8
209.1	*	5	299.5534	R	2	325.5655	*	8
209.31	*	5	299.5536	R	2	325.5656	*	8
285.138.1	R	5	299.5538	R	2	325.5601a	A	8
285.502.1	R	10	299.5540	R	2	325.5626	A	8
299.3301	R	2	299.5732	R	2	325.5627	A	8
299.3302	R	2	299.5742	R	2	325.5628	A	8
299.3303	R	2	299.5901	R	2	325.5629	A	8
299.3304	R	2	299.5903	R	2	325.5630	A	8
299.3305	R	2	299.5905	R	2	325.5634	A	8
299.3306	R	2	299.5907	R	2	325.5635	A	8
299.3307	R	2	299.5909	R	2	325.5357	A	8

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
325.5658	A	8	325.5638	R	8	325.50318	R	7
325.5667	A	8	325.5639	R	8	325.50319	R	7
325.5668	A	8	325.5640	R	8	325.50320	R	7
325.5674	A	8	325.5641	R	8	325.50321	R	7
325.5675	A	8	325.5642	R	8	325.50322	R	7
325.5676	A	8	325.5643	R	8	325.50323	R	7
325.5677	A	8	325.5644	R	8	325.50324	R	7
325.5678	A	8	325.5645	R	8	325.50325	R	7
325.5679	A	8	325.5646	R	8	325.50326	R	7
325.5680	A	8	325.5647	R	8	325.50327	R	7
325.5681	A	8	325.5648	R	8	325.50328	R	7
325.5682	A	8	325.5649	R	8	325.50329	R	7
325.5683	A	8	325.5650	R	8	325.50330	R	7
325.5684	A	8	325.5651	R	8	325.50331	R	7
325.5685	A	8	325.5652	R	8	325.50332	R	7
325.5686	A	8	325.5659	R	8	325.50333	R	7
325.5687	A	8	325.5660	R	8	325.50334	R	7
325.5688	A	8	325.5661	R	8	325.50335	R	7
325.5689	A	8	325.5662	R	8	325.50336	R	7
325.5690	A	8	325.5663	R	8	325.50337	R	7
325.5691	A	8	325.5664	R	8	325.50338	R	7
325.5692	A	8	325.5665	R	8	325.50339	R	7
325.5693	A	8	325.50301	*	7	325.50340	R	7
325.5694	A	8	325.50303	*	7	325.50341	R	7
325.5695	A	8	325.50304	*	7	325.50342	R	7
325.5696	A	8	325.50302	R	7	325.50343	R	7
325.5697	A	8	325.50305	R	7	325.50344	R	7
325.5698	A	8	325.50306	R	7	325.50345	R	7
325.5617	R	8	325.50307	R	7	325.50346	R	7
325.5618	R	8	325.50308	R	7	325.50347	R	7
325.5619	R	8	325.50309	R	7	325.50348	R	7
325.5621	R	8	325.50310	R	7	325.51101	*	6
325.5622	R	8	325.50311	R	7	325.51105	*	6
325.5623	R	8	325.50312	R	7	325.51108	*	6
325.5624	R	8	325.50313	R	7	325.51101a	A	6
325.5625	R	8	325.50314	R	7	325.51190	*	7
325.5631	R	8	325.50315	R	7	325.51143	R	7
325.5632	R	8	325.50316	R	7	325.51851	*	10
325.5633	R	8	325.50317	R	7	325.51852	*	10

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
325.51854	*	10	338.3208	R	5	338.3291	R	5
325.51856	*	10	338.3218	R	5	338.3292	R	5
325.51859	*	10	338.3219	R	5	338.3295	R	5
325.51860	*	10	338.3220	R	5	338.3301	R	5
325.51862	*	10	338.3221	R	5	338.3302	R	5
325.51863	*	10	338.3231	R	5	338.3303	R	5
325.51865	*	10	338.3232	R	5	338.3304	R	5
325.51866	*	10	338.3233	R	5	338.3307	R	5
325.51867	*	10	338.3234	R	5	338.3311	R	5
325.51868	*	10	338.3235	R	5	338.3312	R	5
325.51869	*	10	338.3236	R	5	338.3313	R	5
325.51873	*	10	338.3238	R	5	338.3314	R	5
325.51874	*	10	338.3239	R	5	338.3317	R	5
325.51879	*	10	338.3241	R	5	338.3321	R	5
325.51880	*	10	338.3242	R	5	338.3324	R	5
325.51881	*	10	338.3243	R	5	338.3327	R	5
325.51883	*	10	338.3251	R	5	338.3331	R	5
325.51851a	A	10	338.3252	R	5	338.3332	R	5
325.51878a	A	10	338.3253	R	5	338.3335	R	5
325.51885	R	10	338.3254	R	5	338.3341	R	5
325.51886	R	10	338.3255	A	5	338.3345	R	5
325.60151	*	6	338.3256	A	5	338.3451	R	5
325.60154	*	6	338.3257	R	5	338.3455	R	5
325.60155	*	6	338.3258	R	5	338.3456	R	5
325.60156	*	6	338.3259	R	5	338.3461	R	5
325.60157	*	6	338.3261	R	5	338.3463	R	5
325.60158	*	6	338.3262	R	5	338.3464	R	5
325.60159	*	6	338.3263	R	5	338.3465	R	5
325.60160	*	6	338.3264	R	5	338.3466	R	5
325.60161	*	6	338.3265	R	5	338.23030	R	6
325.60151a	A	6	338.3266	R	5	339.22501	R	5
336.1310	*	6	338.3267	R	5	339.22503	R	5
336.1330	R	6	338.3268	R	5	339.22505	R	5
338.7	*	6	338.3269	R	5	339.22507	R	5
338.108	R	6	338.3270	R	5	339.22509	R	5
338.3201	R	5	338.3281	R	5	339.22511	R	5
338.3202	R	5	338.3282	R	5	339.22513	R	5
338.3204	R	5	338.3283	R	5	339.22515	R	5
338.3206	R	5	338.3284	R	5	339.22517	R	5

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
339.22519	R	5	408.11121	R	10	408.14555	*	10
339.22521	R	5	408.11432	*	6	408.14535	R	10
339.22523	R	5	408.11431	R	6	408.15712	*	8
339.22525	R	5	408.11434	R	6	408.15713	*	8
339.22527	R	5	408.11724	*	6	408.15717	*	8
339.22529	R	5	408.11725	*	6	408.15721	*	8
339.23101	*	5	408.11807	*	10	408.15723	*	8
339.23102	*	5	408.11844	*	10	408.15725	*	8
340.1121	*	6	408.11851	*	10	408.15726	*	8
340.1122	*	6	408.11859	*	10	408.15739	*	8
340.1123	R	6	408.12111	*	10	408.15802	*	8
340.1124	R	6	408.12151	*	10	408.15810	*	8
390.67100	R	9	408.12155	*	10	408.15815	*	8
400.400	R	6	408.12163	*	10	408.15821	*	8
400.410	R	6	408.12216	*	7	408.15831	*	8
400.411	R	6	408.12217	*	7	408.15833	*	8
408.43b	*	9	408.12218	*	7	408.16211	*	10
408.43i	*	9	408.12220	*	7	408.16222	*	10
408.48	*	5	408.12242	*	7	408.16227	*	10
408.59	*	5	408.12202	A	7	408.16236	*	10
408.10413	R	1	408.12231	R	7	408.16217	R	10
408.10421	*	1	408.13811	*	7	408.16511	*	6
408.10509	*	1	408.13812	*	7	408.16528	*	6
408.10541	*	1	408.13822	*	7	408.17125	R	6
408.10570	*	1	408.13847	*	7	408.17211	*	10
408.10579	*	1	408.13865	*	7	408.17212	*	10
408.10580	*	1	408.13871	*	7	408.17213	*	10
408.10582	*	1	408.13881	*	7	408.17222	*	10
408.10590	*	1	408.13802	A	7	408.17225	*	10
408.10761	R	1	408.14246	*	6	408.17236	*	10
408.10763	R	1	408.14263	*	6	408.17251	*	10
408.10765	*	1	408.14267	*	6	408.17227	R	10
408.10801	*	1	408.14269	*	6	408.17303	*	8
408.10807	*	1	408.14273	*	6	408.17310	*	8
408.10823	*	1	408.14231	R	6	408.17315	*	8
408.10914	*	1	408.14451	*	8	408.17318	*	8
408.10925	*	1	408.14476	*	8	408.17320	*	8
408.10999	*	1	408.14507	*	10	408.17403	*	8
408.11119	R	10	408.14521	*	10	408.17404	*	8

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.17405	*	8	408.30808	*	10	408.40102	*	6
408.17411	*	8	408.30810	*	10	408.40114	*	6
408.17412	*	8	408.30811	*	10	408.40116	*	6
408.17415	*	8	408.30812	*	10	408.40119	*	6
408.17421	*	8	408.30815	*	10	408.40121	*	6
408.17422	*	8	408.30817	*	10	408.40122	*	6
408.17423	*	8	408.30818	*	10	408.40127	*	6
408.17424	*	8	408.30819	*	10	408.40128	*	6
408.17426	*	8	408.30822	*	10	408.40130	*	6
408.17431	*	8	408.30823	*	10	408.40131	*	6
408.17432	*	8	408.30826	*	10	408.40132	*	6
408.17433	*	8	408.30827	*	10	408.40133	*	6
408.17434	*	8	408.30835	*	10	408.40134	*	6
408.17435	*	8	408.30838	*	10	408.40133	R	6
408.17436	*	8	408.30865	*	10	408.40125	R	6
408.17437	*	8	408.30869	*	10	408.40126	R	6
408.17451	*	8	408.30870	*	10	408.40617	*	6
408.17461	*	8	408.30871	*	10	408.40621	*	6
408.17463	*	8	408.30873	*	10	408.40622	*	6
408.30001	*	6	408.30872	R	10	408.40623	*	6
408.30007	*	6	408.30880	R	10	408.40624	*	6
408.30013	*	6	408.30901a	*	10	408.40625	*	6
408.30016	*	6	408.30906a	*	10	408.40626	*	6
408.30019	*	6	408.30910a	*	10	408.40631	*	6
408.30022	*	6	408.30912a	*	10	408.40634	*	6
408.30025	*	6	408.30915a	*	10	408.40635	*	6
408.30028	*	6	408.30918a	*	10	408.40627	R	6
408.30031	*	6	408.30923a	*	10	408.40632	R	6
408.30034	*	6	408.30927a	*	10	408.40641	R	6
408.30037	*	6	408.30928a	*	10	408.40709	*	6
408.30040	*	6	408.30935a	*	10	408.40711	*	6
408.30043	*	6	408.30945a	*	10	408.40712	*	6
408.30046	*	6	408.30946	*	10	408.40721	*	6
408.30049	*	6	408.30947	*	10	408.40722	*	6
408.30052	*	6	408.30948	*	10	408.40743	*	6
408.30055	*	6	408.30995a	*	10	408.40744	*	6
408.30002	A	6	408.30947a	A	10	408.40746	*	6
408.30801	*	10	408.30948a	A	10	408.40751	*	6
408.30806	*	10	408.30996	A	10	408.40761	*	6

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.40714	R	6	408.41221	*	7	408.41077a	A	8
408.40729	R	6	408.41222	*	7	408.41468	R	8
408.40742	R	6	408.41224	*	7	408.41610	*	1
408.40810	*	7	408.41225	*	7	408.41627	*	1
408.40818	*	7	408.41226	*	7	408.41633	*	1
408.40819	*	7	408.41227	*	7	408.41658	*	1
408.40820	*	7	408.41231	*	7	408.41719	*	1
408.40821	*	7	408.41232	*	7	408.41725	*	1
408.40822	*	7	408.41233	*	7	408.41728	*	1
408.40831	*	7	408.41234	*	7	408.41802	*	7
408.40833	*	7	408.41235	*	7	408.41841	*	7
408.40834	*	7	408.41236	*	7	408.41852	*	7
408.40836	*	7	408.41237	*	7	408.41872	*	7
408.40837	*	7	408.41243	*	7	408.41884	*	7
408.40840	*	7	408.41245	*	7	408.41842	R	7
408.40841	*	7	408.41253	*	7	408.41850	R	7
408.40932	*	6	408.41254	*	7	408.41932	*	7
408.40933	*	6	408.41255	*	7	408.41934	*	7
408.40941	*	6	408.41256	*	7	408.41935	*	7
408.40851	*	6	408.41261	*	7	408.41943	*	7
408.40946	R	6	408.41264	*	7	408.41945	*	7
408.40952	R	6	408.41228	R	7	408.41949	*	7
408.41111	*	7	408.41244	R	7	408.41952	*	7
408.41122	*	7	408.41246	R	7	408.41953	*	7
408.41123	*	7	408.41262	R	7	408.41954	*	7
408.41124	*	7	408.41263	R	7	408.41957	*	7
408.41126	*	7	408.41410	*	8	408.41959	*	7
408.41132	*	7	408.41462	*	8	408.41964	*	7
408.41133	*	7	408.41464	*	8	408.41977	*	7
408.41140	*	7	408.41465	*	8	408.41980	*	7
408.41102	R	7	408.41466	*	8	408.41902	A	7
408.41115	R	7	408.41467	*	8	408.41931	R	7
408.41125	R	7	408.41472	*	8	408.41956	R	7
408.41130	R	7	408.41475	*	8	408.41970	R	7
408.41131	R	7	408.41476	*	8	408.41971	R	7
408.41210	*	7	408.41477	*	8	408.41974	R	7
408.41211	*	7	408.41478	*	8	408.41975	R	7
408.41215	*	7	408.41482	*	8	408.41979	R	7
408.41217	*	7	408.41075a	A	8	408.42031	*	6

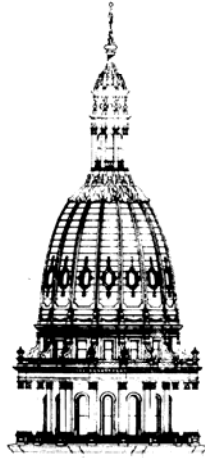
(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.42034	*	6	408.42535	R	1	408.43153	R	7
408.42041	*	6	408.42602	*	1	408.43154	R	7
408.42043	*	6	408.42644	*	1	408.43155	R	7
408.42045	*	6	408.42732	*	7	408.43156	R	7
408.42046	*	6	408.42733	*	7	408.43157	R	7
408.42047	*	6	408.42741	*	7	408.43158	R	7
408.42131	R	1	408.42743	*	7	408.43161	R	7
408.42145	R	1	408.42755	*	7	408.43162	R	7
408.42149	*	1	408.42759	*	7	408.43204a	*	8
408.42156	*	1	408.42799	*	7	408.43207	*	8
408.42157	*	1	408.42756	R	7	408.43212	*	8
408.42159	*	1	408.43101	R	7	432.2	*	10
408.42160	R	1	408.43103	R	7	432.6	*	10
408.42209	*	8	408.43104	R	7	436.1335	R	5
408.42213	*	8	408.43105	R	7	484.71	*	6
408.42223	*	8	408.43106	R	7	484.72	*	6
408.42225	*	8	408.43107	R	7	484.73	*	6
408.42238	*	8	408.43109	R	7	484.74	*	6
408.42402	*	1	408.43111	R	7	484.75	*	6
408.42403	*	1	408.43112	R	7	484.81	*	8
408.42404	*	1	408.43113	R	7	484.82	*	8
408.42405	*	1	408.43114	R	7	484.83	*	8
408.42406	*	1	408.43121	R	7	484.84	*	8
408.42407	*	1	408.43122	R	7	484.85	*	8
408.42502	*	1	408.43123	R	7	484.86	*	8
408.42503	*	1	408.43124	R	7	484.87	*	8
408.42518	*	1	408.43125	R	7	484.88	*	8
408.42520	*	1	408.43126	R	7	484.89	*	8
408.42521	*	1	408.43127	R	7	484.90	*	8
408.42522	*	1	408.43131	R	7	491.101	R	3
408.42524	*	1	408.43132	R	7	491.110	R	3
408.42525	*	1	408.43133	R	7	491.115	R	3
408.42526	*	1	408.43134	R	7	491.120	R	3
408.42527	*	1	408.43141	R	7	491.125	R	3
408.42528	*	1	408.43142	R	7	491.130	R	3
408.42531	*	1	408.43145	R	7	491.135	R	3
408.42532	*	1	408.43146	R	7	491.140	R	3
408.42533	*	1	408.43151	R	7	491.145	R	3
408.42534	R	1	408.43152	R	7	491.150	R	3

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
491.155	R	3	792.10219	A	6
491.160	R	3	792.10221	A	6
491.165	R	3	792.10223	A	6
491.170	R	3	792.10225	A	6
491.175	R	3	792.10227	A	6
491.180	R	3	792.10229	A	6
491.185	R	3	792.10231	A	6
491.190	R	3	792.10233	A	6
491.195	R	3	792.10237	A	6
491.197	R	3	792.10239	A	6
550.402	A	6	792.10241	A	6
550.403	A	6	792.10243	A	6
550.404	A	6	792.10245	A	6
554.701	*	9	792.10247	A	6
554.723	*	9	792.10249	A	6
554.731	*	9	792.10251	A	6
554.733	*	9	792.10253	A	6
554.734	*	9	792.10255	A	6
554.736	*	9	792.10257	A	6
554.737	*	9	792.10259	A	6
554.741	*	9	792.10261	A	6
554.742	*	9	792.10263	A	6
554.743	*	9	792.10265	A	6
554.744	*	9	792.10267	A	6
554.746	*	9	792.10269	A	6
554.721	R	9	792.10271	A	6
554.722	R	9	792.10273	A	6
554.747	R	9	792.10275	A	6
554.750	A	9	792.10277	A	6
554.751	A	9	792.10279	A	6
792.10201	A	6	792.10281	A	6
792.10203	A	6	792.10283	A	6
792.10205	A	6	792.10285	A	6
792.10207	A	6	792.10287	A	6
792.10209	A	6	792.10289	A	6
792.10211	A	6			
792.10213	A	6			
792.10215	A	6			
792.10217	A	6			

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



**CUMULATIVE
INDEX**

A

**AGRICULTURE AND RURAL DEVELOPMENT, DEPARTMENT OF
Correction**

Regulation No. 569 Smoked Fish (2013-2)

Farmland and Open Space Preservation (2013-9)

Farmland and Open Space Preservation (2013-9)

Regulation No. 138 Record (2013-5)

Regulation No. 502 Grading, Labeling, and Marketing of Tomatoes (2013-10)

**ATTORNEY GENERAL, DEPARTMENT OF
Opinions**

Expenditures from Michigan Natural Resource Trust Fund and Michigan Conservation and Recreation
Legacy Fund for Dredging

OAG No. 7270 (2013-8)

Application of Michigan Medical Marihuana Act to Child Protective Proceedings

OAG Opinion No. 7271 (2013-9)

C

CIVIL RIGHTS, DEPARTMENT OF

Qualified Interpreter – General Rules (2013-3*)

COMMUNITY HEALTH, DEPARTMENT OF

Certificate of Need Review

Bone Marrow Transplantation (BMT) Services (2013-7)

Psychiatric Beds and Services (2013-7)

Megavoltage Radiation Therapy (MRT) Services/Unit (2013-10)

E

EDUCATION, DEPARTMENT OF

Education of Pregnant Students (2013-6)

ENVIRONMENTAL QUALITY, DEPARTMENT OF

Repeal

Repeal MCL 324.14701 to 324.14705 (2013-2)

Repeal MCL 324.1401 to 324.1429 (2013-2)

Repeal PA 446 of 2012 (2013-2)

Correction

Supplying Water to the Public (2013-10)

Mercury Rules (2013-10*)

Part 2. Air Use - Air Quality Division

Part 3. Emissions Limitations and Prohibitions – Particulate Matter (2013-6)

Part 4. Emissions Limitations and Prohibitions – Sulfur Bearing Compounds (2013-6)

Part 9. Emissions Limitations and Prohibitions – Miscellaneous (2013-6)

Hazardous Waste Management (2013-7*)

EXECUTIVE OFFICE

Executive Reorganization

No. 1 (2013-2)

No. 2 (2013-2)

No. 3 (2013-2)

No. 4 (2013-3)

No. 5 (2013-3)

No. 6 (2013-3)

No. 7 (2013-3)

No. 8 (2013-10)

H

HUMAN SERVICES, DEPARTMENT OF

Interstate Placement (2013-6)

Licensing Rules for Child Care Centers (2013-1*)

L

LICENSING AND REGULATORY AFFAIRS, DEPARTMENT OF

Correction

Board of Pharmacy – Controlled Substances (2013-8)

Massage Therapy Rules (2013-3)

Part 74 Fire Fighting (2013-8)

Workers' Compensation Health Care Services Rules (2013-3)

Emergency Rule

Board of Pharmacy (2013-1)

Repeal

Repeal PA 503 of 2012 (2013-3)

Repeal PA 48 & 49 of 2010 (2013-5)

Accounting – General Rules (2013-3*)

Advertising (2013-5)

Architects – General Rules (2013-2*)

Audiology – General Rules (2013-6)

Basic Local Exchange Service Customer Migration (2013-8)

Board of Real Estate Appraisers - General Rules (2013-5)

Boiler (2013-10*)

Building Official, Plan, Reviewers, and Inspectors (2012-6)

Elevator (2013-10*)

Fireworks Safety - General Rules (2013-5)

Medicine – General Rules (2013-6)

Occupational Therapist – General Rules (2013-6*)

Osteopathic Medicine and Surgery – General Rules (2013-6)

Part 1 General Rules (2013-6)

Part 3. Insurance (2013-9)

Part 4. Portable Ladders GI (2013-1)

Part 5. Scaffolding GI (2013-1)

Part 6 Personal Protective Equipment (2013-6)

Part 7. Guards for Power Transmission GI (2013-1)

Part 7. Plumbing Code (2013-3*)

Part 7 Welding and Cutting (2013-6)

Part 8 Electrical Code (2013-10)

Part 8. Portable Fire Extinguishers GI (2013-1)

Part 8. Handling and Storage of Materials (2013-7)

Part 9 Excavation, Trenching, and Shoring (2013-6)

Part 9. Fixed Fire Equipment GI (2013-1)

Part 9A Mechanical Code (2013-10)

Part 11 Polishing, Buffering & Abrading GI (2013-10)

Part 11 Fixed & Portable Ladders (2013-7)

Part 12 Welding and Cutting GI (2013-3*)

Part 12 Scaffolds and Scaffold Platforms (2013-7)

Part 14 Conveyors (2013-6)

Part 14 Tunnels, Shafts, Caissons, and Cofferdams (2013-8)

Part 14. Mammography (2013-8)

Part 16. Power Transmission and Distribution CS (2013-1)

Part 17. Electrical Installation CS (2013-1)

Part 17 Refuse Packer Units (2013-6)

Part 18 Overhead and Gantry Cranes GI (2013-10)

Part 18 Fire Protection & Prevention (2013-7)

Part 19 Tools (2013-7)

Part 19 Crawler, Locomotive, and Truck Cranes GI (2013-10*)

Part 20 Underhung Cranes GI (2013-10*)
Part 20 Demolition (2013-6)
Part 21 Guarding of Walking and Working Areas CS (2013-1)
Part 21 Powered Industrial Trucks GI (2013-10)
Part 22 Tractors (2013-7)
Part 22 Signals, Signs, Tags, and Barricades (2013-8)
Part 22 Signals, Signs, Tags, and Barricades (2013-8*)
Part 24 Tar Kettles CS (2013-1)
Part 25 Concrete Construction CS (2013-1)
Part 26 Steel Erection CS (2013-1)
Part 27 Blasting and Use of Explosives (2013-7)
Part 27 Woodworking Machinery (2013-7)
Part 30 Telecommunications CS (2013-5*)
Part 32 Aerial Work Platforms (2013-8)
Part 32 Aerial Work Platforms (2013-8*)
Part 38 Hand and Portable Powered Tools (2013-7)
Part 42 Forging (2013-6)
Part 44 Foundries GI (2013-8)
Part 45 Die Casting GI (2013-10)
Part 57 Oil and Gas Drilling and Servicing Operations GI (2013-8)
Part 58 Aerial Work Platforms GI (2013-8)
Part 58 Aerial Work Platforms GI (2013-10*)
Part 62 Plastic Molding GI (2013-10)
Part 65 Mills and Calendars for Rubber and Plastic (2013-6)
Part 71 Laundry and Dry Cleaning Machinery and Operations (2013-6)
Part 72 Automotive Service Operations GI (2013-10)
Part 73 Fire Brigades GI (2013-8)
Part 74 Fire Fighting GI (2013-8)
Part 79 Diving Operations (2013-7)
Part 301 Air Contaminants for General Industry (2013-6)
Part 302 Vinyl Chloride OH (2013-9*)
Part 305 Asbestos Standards for General Industry OH (2013-5*)
Part 309 Cadmium OH (2013-10)
Part 314 Coke Oven Emissions OH (2013-9*)
Part 350 Carcinogens OH (2013-9*)
Part 478 Illumination OH (2013-5*)
Part 504 Diving Operations (2013-7)
Part 511 Temporary Labor Camps (2013-7)
Part 601 Air Contaminants for Construction (2013-6)
Part 602 Asbestos Standards for Construction OH (2013-5*)
Plumbing Licensing Rules (2013*)
Professional Engineers – General Rules (2013-2*)
Professional Surveyors – General Rules (2013-2*)
State Boundary Commission (2013-10)
Survey and Remonumentation (2013-3*)
Tax Tribunal Rules of Practice and Procedure (2013-6)
Unbundled Network Element and Local Interconnection Services (2013-6)
Workers' Compensation Agency - General Rules (2013-9)

N
NATURAL RESOURCES, DEPARTMENT OF

Natural River Zoning (2013-3*)

Recreation Passport (2013-10*)

S
STATE POLICE, DEPARTMENT OF

Public Safety Officers Benefit Program (2013-8*)

T
TREASURY, DEPARTMENT OF
Correction

Lottery (2013-10)

General Rules (2013-5)

Health Insurance Claims Assessment Act (2013-6)

Lottery (2013-10)

Specific Sales and Use Tax Rules (2013-8)

**ADMINISTRATIVE RULES
ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2012 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

2013 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

May 31, 2013
Through PA 37 of 2013

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
1	4153		Yes	3/12	3/12	3/12/13	Sales tax ; collections; retroactive effective date for regulations on prepaid sales tax on gasoline; provide for. (Rep. M. Shirkey)
2		044	Yes	3/12	3/12	6/1/13	Criminal procedure ; sex offender registration; placement on the public registry; remove certain exceptions. (Sen. R. Jones)
3		060	Yes	3/12	3/12	3/12/13	Weapons ; licensing; definition of federally licensed firearms dealer; modify. (Sen. M. Green)
4		061	Yes	3/18	3/18	3/18/13 #	Insurance ; health care corporations; merger of health care corporation with a nonprofit mutual disability insurer; allow, and provide procedures, prescribe requirements on rating and certain contract provisions, and establish requirements for a health endowment fund corporation. (Sen. J. Hune)
5		062	Yes	3/18	3/18	3/18/13 #	Insurance ; health; regulations applicable to nonprofit mutual disability insurer; revise to accommodate merger with nonprofit health care corporation and prescribe requirements on rating and certain contract provisions. (Sen. V. Smith)
6		0234	Yes	3/20	3/20	3/20/13 #	Vehicles ; fund-raising registration plates; fund-raising plate for ducks unlimited; provide for. (Sen. R. Richardville)
7	4337		Yes	3/20	3/20	3/20/13 #	Vehicles ; fund-raising registration plates; distribution of proceeds from sales of ducks unlimited fund-raising plates; provide for. (Rep. D. Zorn)
8		048	Yes	3/26	3/26	3/26/13	Animals ; other; exemption from large carnivore act for certain businesses; expand to exempt businesses that allow patrons to come into contact with bears less than 36 weeks of age or bears that weigh 90 pounds or less and make other general revisions. (Sen. T. Casperson)

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 + - Line item veto.
 ++ - Pocket veto.
 # - Tie bar.

2013 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
9		0233	Yes	3/27	3/27	3/27/13	Appropriations; supplemental ; various state departments and agencies; provide appropriations. (<i>Sen. D. Booher</i>)
10		0252	Yes	3/27	3/27	3/27/13	Watercraft; marinas ; marina dredging loan origination program; establish. (<i>Sen. J. Brandenburg</i>)
11	4398		Yes	3/27	3/27	3/27/13	Watercraft; marinas ; dredging material from Great Lakes bottomlands determined to be largely sand; revise permit fee. (<i>Rep. A. Price</i>)
12	4399		Yes	3/27	3/27	3/27/13	Natural resources; Great Lakes ; expedited conditional permit process; allow for emergencies. (<i>Rep. A. Pscholka</i>)
13	4400		Yes	3/27	3/27	3/27/13	Watercraft; marinas ; dredging material from inland lakes and streams determined to be largely sand; revise fee. (<i>Rep. P. Pettalia</i>)
14		019	Yes	4/16	4/16	4/16/13	Financial institutions; mortgage brokers and lenders ; appointments to the mortgage industry advisory board; modify. (<i>Sen. D. Booher</i>)
15		065	Yes	4/16	4/16	4/16/13	Individual income tax; collections ; withholding requirement for certain members of a flow-through entity; clarify. (<i>Sen. J. Brandenburg</i>)
16	4052		Yes	4/23	4/23	4/23/13 #	Trade; vehicles ; motor vehicle sales finance act; expand to include certain nonmotorized recreational vehicles. (<i>Rep. K. Kurtz</i>)
17	4053		Yes	4/23	4/23	4/23/13 #	Trade; vehicles ; application of retail installment sales act; exclude certain nonmotorized recreational vehicles. (<i>Rep. K. Kurtz</i>)
18	4045		Yes	4/23	4/23	4/23/13	Occupations; electricians ; eligible apprenticeship training programs; revise requirements for fire alarm specialty technicians. (<i>Rep. H. Crawford</i>)

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	HB	SB					
19	4123		Yes	4/23	4/23	7/1/13	Torts; liability; personal injury or property damage caused by propane gas equipment or appliances; provide protection from liability. (Rep. R. Victory)
20		0108	Yes	5/7	5/7	5/7/13	Highways; name; portion of I-94 in Kalamazoo county; designate as the "Officer Eric Zapata Memorial Highway". (Sen. T. Schuitmaker)
21		0288	Yes	5/8	5/8	5/8/13	Natural resources; hunting; natural resources commission ability to designate species as game; provide for. (Sen. T. Casperson)
22		0289	Yes	5/8	5/8	5/8/13	Natural resources; hunting; right to hunt and fish; provide for. (Sen. T. Casperson)
23	4093		Yes	5/9	5/9	5/9/13 #	Crimes; intoxication or impairment; alcohol content for individuals operating a vehicle under the influence of alcoholic liquor; maintain at 0.08 without reversion to 0.10. (Rep. A. LaFontaine)
24	4131		Yes	5/9	5/9	5/9/13 #	Criminal procedure; sentencing guidelines; alcohol content for individuals operating a motor vehicle under the influence of alcoholic liquor in the code of criminal procedure; maintain at 0.08 without reversion to 0.10. (Rep. K. Kesto)
25		0218	Yes	5/9	5/10	8/9/13	Economic development; tax increment financing; sunset on water resource improvement tax increment finance authority; remove, and allow dredging. (Sen. G. Hansen)
26		0123	Yes	5/9	5/10	5/10/13	State financing and management; funds; funding for purchase of land and development of certain convention facilities; provide for. (Sen. D. Hildenbrand)
27	4037		No	5/14	5/14	5/1/14	Traffic control; driver license; designation of veteran status on driver license; provide for, and allow secretary of state to report certain veteran information to certain other departments and agencies. (Rep. N. Jenkins)
28		0219	No	5/14	5/14	5/1/14	State; identification cards; veteran designation on state identification cards; allow. (Sen. D. Booher)

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29	4471		Yes	5/16	5/16	5/16/13	Education; calendar ; exception to minimum days of pupil instruction requirement for inclement weather days; allow for 2012-2013 if minimum hours requirement is met. (Rep. P. Potvin)
30		0178	No	5/14	5/16	**	Insurance; health ; standard prior authorization methodology for prescription drugs; create a workgroup to establish and require insurers and prescribers to use after a specific date. (Sen. T. Schuitmaker)
31		0179	No	5/14	5/16	** #	Insurance; health care corporations ; standard prior authorization methodology for prescription drugs; create a workgroup to establish and require corporations and prescribers to use after a specific date. (Sen. T. Schuitmaker)
32	4054		Yes	5/14	5/16	5/16/13	Family law; other ; definition of eligible domestic relations order; modify. (Rep. K. Heise)
33		043	Yes	5/20	5/20	5/20/13	Courts; judges ; certain district court judgeships; increase, and reduce number of circuit court judgeships. (Sen. R. Jones)
34	4264		Yes	5/21	5/21	5/21/13	Criminal procedure; sentencing ; consecutive sentencing for financial exploitation of vulnerable adult; allow under certain circumstances. (Rep. T. Leonard)
35		097	Yes	5/21	5/21	8/20/13	Traffic control; civil infraction procedures ; waiver of fine for violating certain infant seat requirements; allow. (Sen. J. Proos)
36	4254		Yes	5/21	5/21	5/21/13	Vehicles; registration ; electric carriage; exempt from definition of motor vehicle and define "use a hand-held mobile telephone". (Rep. J. Walsh)
37		016	Yes	5/28	5/28	5/28/13	Natural resources; wildlife ; wildlife violator compact law; modify enforcement provisions. (Sen. H. Walker)

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